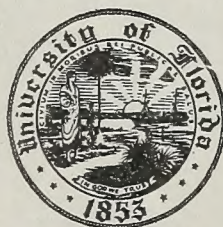


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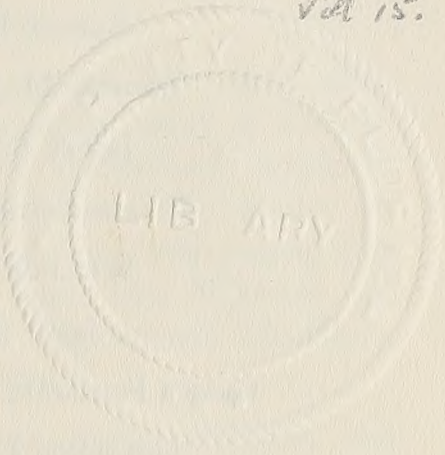


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Volume XVI

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EASTERN CHEROKEE CHIEFS

By John P. Brown

The Cherokees, by similarity of language, have been determined to be a branch of the great Iroquoian family of Indians. They are believed to have emigrated to the Southern Appalachians about the Thirteenth Century. They found the country occupied by various branches of the Muscogee or Creek people, who inhabited the Tennessee River valley to upper East Tennessee and North Carolina; and the headwaters of Tugaloo and Chattahoochie Rivers in Georgia and South Carolina.¹

Intermittent warfare, lasting through several centuries, was waged for possession of the mountainous country. Eventually, the Creeks, Kusatees, and Uchees, all of Muscogee blood, were forced to the southward.² The Shawnees, who occupied Middle Tennessee, were forced northward into Ohio. The Cherokees, by right of conquest, claimed all the mountainous section now embraced in East Tennessee, North and South Carolina, and North Georgia. They claimed in addition as their hunting grounds, Middle Tennessee and Kentucky.

De Soto, who traversed the Cherokee country in 1540, found them in substantially the same location as during the English period of settlement.

The Cherokees had dealings with Virginia as early as 1689. Their principal affairs, however, were handled by the English through the Colony of South Carolina, and it is from the South Carolina records that we get the first mention of Cherokee chiefs.

¹ The Muscogee or Creek Indians are believed to have emigrated from Mexico to the mouth of the Mississippi about the year 1200 A. D. The word Muscogee means Mexco-ulgae, Mexican People.

² The last fight between Cherokees and Creeks occurred in 1755 at Taliwa, Ga. The Cherokees were victorious, and Northern Georgia was abandoned by the Creeks.

De Soto, who might have helped us, visited numerous Cherokee towns, but failed in every instance to mention the name of the chief.

The original Cherokee settlement was the old town Kituwah, at the junction of Ocona Lufty and Tuckasegee Rivers.³ The tribe was from the earliest times divided into seven clans, and a few of the town-names indicate that each clan may have originally occupied a separate village.⁴ The seven clans were, Ani-gatugewa, Kituwah People; Ani-kawi, Deer People; Ani-waya, Wolf People; Ani-Sahani, Blue Paint People; Ani-wadi, Red Paint People; Ani-Tsiskwa, Bird People; and Ani-Gilahi, Long Hair People.

The first chief of whom we have mention is Uskwa-lena, Bull Head or Big Head, who defeated the Creeks in a battle at Pine Island, Alabama, the present Guntersville, in 1714. Pine Island was thereafter a Cherokee settlement known as Creek Path, Kusanunnehi.

Seven years later, Governor Nicholson signed a treaty with Chief Outacite by which the Cherokees made their first cession of land to the white men, and agreed to trade with the English.⁵ Following that date, (1721) Colonel George Chicken was appointed by the Governor to supervise the Indian trade, and we have fairly complete information concerning the various chiefs who attained prominence, in the records of South Carolina.

The Cherokees occupied, at that time, four principal groups of towns.

1. The Lower Towns, around the headwaters of Tugaloo River, in South Carolina. The principal towns were Seneca, Tugaloo, Keowee, Noyowee, Qualatchie, Sticoyee, and Estatoe, with numerous smaller villages.^{5½}

³ The Cherokee Kituwah Society commemorates this fact, and the Cherokees often called themselves Kituwah People.

⁴ The Clan Ani-gatugewa has been rendered erroneously "Blind Swamp People." The name means literally "People of the Principal Town," which was Kituwah.

⁵ The name Outacite was a war honor conferred upon a chief who had killed an enemy in battle. The name is literally, Untsi-tee-hee, Man Killer.

^{5½} A chief, Cheera-ta-he-gi, "Possessor of the Sacred Fire," is mentioned as head man of the Lower Towns in the year 1714.

2. The Middle Towns, upon the headwaters of the Tennessee. The principal towns were Kituwah, Nucassee, Etchoe, Cowe, Ayore, and Ellijay.
3. The Valley Towns, along Valley and Hiwassee Rivers, in North Carolina; principal towns Esthenore, Cheowee, Taseechee, Notally, Turtle Town, Tamotley, and Cootacloohee.
4. The Overhill Towns, situated in Tennessee along the Little Tennessee and Hiwassee Rivers; principal towns, Echota, Tellico, Hiwassee, Tuskegee, Tamotley, Toquo, Citico, Chilhowie, Tallassee, and Chestuee.

The population of the Cherokees about 1730 was estimated to be not far from 60,000. During that year, Sir Alexander Cuming was sent to cement the Cherokees still more closely to England. He toured the country, and held a great council at Nucassee or Nequassee, near the present Franklin, North Carolina. Outacite, the Peace Chief who had concluded the treaty with Governor Nicholson nine years earlier, had died in 1729, and had been succeeded by Moytoy, of Tellico.⁶ Moytoy was by the consent of the other chiefs given by Cuming the title of Cherokee Emperor. Following the treaty, seven chiefs accompanied Cuming to London to visit King George II. They were, Kitigiska, Okou-Ulah, Tiftowe, Clogoitah, Colonah the Raven, and Ookou-naka. The seventh member of the party was not officially a representative, and did not sign the treaty.

Oconostota, the great Cherokee War Chief, was just coming into prominence. He did not accompany the delegation to England, but his brother, Kitegiska the Prince, was one of the visiting chiefs and spoke for the Indians before the King. He later attained considerable prominence. By far the most important of the seven, however, was Oukou-naka, who was later to be known as Atta-culla-culla (the Little Carpenter), one of the greatest Cherokees who ever lived. He became Peace Chief of the Nation, associated with Oconostota as War Chief. The story of the Cherokees

⁶ Cuming's Journal, republished in Williams, *Early Travels in the Tennessee Country*, Watauga Press, 1928. The name Moytoy means, in Cherokee, Amo-Adawehi, Water Conjuror, or Rainmaker.

for the succeeding forty years is practically the story of these two men.

Unfortunately for the interest of the Cherokees and of the English, Sir Alexander Cuming became involved in the barbarous debt laws of the time, and was thrown in jail for debt. He was thus unable to accompany the Cherokees on their return trip to America. The Indians loved him, and were much impressed by his imprisonment. They regarded the white men as exceedingly foolish to place a man in jail for debt, thus making it impossible for him to pay.

Moytoy, the Cherokee "Emperor," died about 1753. His son, Amo-sgasite, (Dreadful Water) claimed his title. The Cherokees, according to their ancient custom, selected their own head man, and the choice fell upon Standing Turkey of Echota, Kana-gatoga, known to the white men as Old Hop because he was advanced in age, and lame.⁷ Oconostota was at the time War Chief, and Attaculla-culla Peace Chief. Other prominent chiefs were Outacite of Keowee, known as Judd's Friend;⁸ Big Eagle, Awali-na-wa, known to the white men as Willenawah, of Toquo; Wahatchie, Waya-tsi, Bad Wolf, head man of the Lower Towns; Round O of the Middle Towns; and Amo-sgasite of Tellico. Oconostota had just led his warriors in the Battle of Taliwa by which all of North Georgia was gained to his people from the Creeks. He was universally known as the Great Warrior of Echota. Attacullaculla, the Little Carpenter, is described as the most influential man in the Nation.

In 1754, Governor James Glen of South Carolina, visited the Cherokee country for the purpose of building a fort. Outacite, head man of the Lower Towns, and the Raven of Toxoway, ceded to him for \$500.00 a tract of land upon which he built Fort Prince George, on Keowee River opposite the old town of Keowee, in the present county of Pickens, South Carolina.

⁷ Old Hop, or Standing Turkey, has been confused by some historians with Oconostota. He served from 1753 to 1761, and was succeeded for a brief time by his nephew, also called Standing Turkey.

⁸ The names Outacite and Raven were war titles, conferred for bravery. Both were common throughout the Cherokee country, several chiefs bearing them at the same time. They were identified by adding the name of their town, as "Raven of Echota."

Governor Glen held a second treaty with the Cherokees in 1755, at their town of Saluda. Rivalry between England and France for control of America had reached the stage of open warfare. General Edward Braddock had been sent to America with an army of British Regulars. He hoped, with Colonial assistance, to banish the French from North America. Both French and English were bidding for Cherokee support, and Glen's treaty was for the purpose of clinching matters by securing Cherokee warriors to help Braddock.

Old Hop appointed Attacullaculla to speak for the Nation. The Cherokees agreed to support the English cause provided they were given arms and ammunition; and that Governor Glen should build a fort among the Overhill (Deli-gatusi) towns, to protect their women and children while the men were away fighting the French. The Little Carpenter's speech is a model of Cherokee oratory, forceful, eloquent, and dramatic.⁹ So well did he acquit himself that he was thereafter considered the Speaker for the Nation in dealings with the white men. Old Hop, however, held a vigilant rein over his younger associate, and specifically reserved the right to correct his speech when necessary. The honor of Principal Chief was not lightly bestowed, but for merit, and we are told that all the chiefs, including Oconostota and the Little Carpenter, deferred with respect to the opinions of Old Hop.

In fulfillment of Governor Glen's promise, Captain Raymond Demere was sent to the Overhill country in 1756 to build a fort. This he located at the mouth of Tellico River where it joins the Little Tennessee, in the present Monroe County. The fort was called Fort Loudoun in honor of the British Commander-in-chief who had just reached America. It was the first building erected by English speaking people west of the Alleghenies. Captain Raymond Demere, being in ill health, asked to be relieved, and his brother, Captain Paul Demere, was sent to command the fort. The garrison consisted of three hundred men. Just before Fort

⁹ Full proceedings at Glen's treaty are given in *South Carolina Public Records*.

Loudoun had been erected, Major Andrew Lewis of Virginia had also built a fort among the Overhills for that State.¹⁰

The Cherokees, following the building of the two forts, sent four hundred warriors to assist Virginia against the French. They were under general charge of Outacite, (Judd's Friend); and Major Andrew Lewis was given their command. Lieutenant Richard Pearis accompanied them as interpreter.

Oconostota and the Little Carpenter, at the same time, led a war party against the French fort at Toulouse, the present Montgomery, Ala. They were successful in taking five French scalps and two prisoners.

The Cherokees who went to Virginia arrived too late to be of help in Braddock's campaign. Governor Dinwiddie of Virginia blamed Glen for the delay. "Had our Indians arrived earlier," he wrote, "they could have engaged the enemy in their bush style of fighting, and the result would have been different. The failure of the campaign . . . may be laid at the door of Governor Glen, who has acted contrary all along to the King's interests."¹¹

The vigorous complaint of the Virginia governor, and the horror in England at Braddock's defeat, caused the recall of Governor Glen in 1756. He was succeeded by William Henry Lyttleton, a pompous braggart, far less capable of dealing with the Indians than Glen.

The assistance of the Cherokees was welcomed with open arms by George Washington following Braddock's defeat. The northern Indians, taking advantage of their victory, overran the Virginia frontier and spread desolation. Major Lewis led the main body of the Cherokees against the Shawnee towns in Ohio. Other bands of Cherokees were used for scouting the frontier. All were instructed to take scalps of the French and their Indians, Virginia paying \$75.00 each for the trophies. The Cherokees served for two years, war parties coming and going from their country.

¹⁰ The Virginia fort was situated on the north side of Little Tennessee River, directly opposite Echota. It was never garrisoned, and was destroyed by the Cherokees in 1761.

¹¹ Dinwiddie Papers.

The absence of interpreters led to constant friction with the Virginia military authorities. Pearis, the interpreter, was usually away with a war party. Warriors returning after scouting trips were often unable to secure their own horses or property. One party of ten were seized and imprisoned in the belief that they were enemy Indians. The large reward offered for enemy scalps tempted Virginians of mercenary character to secure Cherokee scalps and collect the bounty, for all Indian scalps looked alike. Major Lewis thus lost several of his Cherokee warriors. The news traveled rapidly back to the Cherokee country and taxed the diplomacy of the Little Carpenter to avoid open warfare between English and Cherokees. The chief himself journeyed to Virginia to assure the English authorities of the sincerity of Cherokee friendship. He was insulted by General John Forbes, in command of the expedition against Fort DuQuesne. Cherokee assistance was belittled by British officers because the Indians expected presents to be distributed among them, when as a matter of fact that was the only pay they received for exposing themselves in arduous service for British interests. Washington, recognizing the real value of the Indians, exerted every effort to keep them satisfied. The Little Carpenter, feeling that his efforts were not appreciated, ordered his warriors back to their home in 1758.¹²

Moytoy of Citico, who commanded one of the returning parties, had lost several of the horses of his followers, or had not been able to secure the return of them from British authorities. Without ceremony, considering himself justified under the circumstances, Moytoy appropriated other horses to replace those lost. He took the first horses available, in some cases by force. The Cherokees, having given unselfish service to the English, were in bitter mood that it was not appreciated.

Moytoy's action brought instant retaliation. Virginia militia was hastily called out and a pitched battle was fought near Staunton with nineteen Indian loss. Moytoy hastened a runner to Echota

¹² For details of troubles of the Cherokees in Virginia in 1758, see Dinwiddie Papers; *Correspondence of Washington*, Sparks; *Calendar of Virginia State Papers*; and *South Carolina Public Records, Indian Affairs*, Vol. 6.

to inform the heads of his Nation of the action; and burning for revenge, led his surviving warriors to the Carolina frontier where he took nineteen scalps to replace those lost by his followers.¹³

Old Hop, Oconostota, and the Little Carpenter at once disavowed the action of Moytoy. The scalps he had taken were required of him and were delivered to Captain Demere, who gave them honorable burial within the walls of Fort Loudoun. Oconostota and Judd's Friend, with twenty-two chiefs, the most influential in the Nation, journeyed to Charleston to assure Governor Lyttleton that the taking of scalps by Moytoy had been unauthorized, and that the Cherokees sincerely desired peace.

Lyttleton had already called out the Carolina militia. He was vain and desirous of military glory. He informed Oconostota that the persons of the chiefs with him would be respected as ambassadors, but that he proposed to march to the Cherokee country to take satisfaction, and they would be permitted to return with him. Privately, he informed his council that he expected to hold the chiefs as hostages.

A march from Charleston to the Cherokee country at that time was a serious matter, and the Governor's enthusiasm waned by the time he had arrived at Fort Prince George. Atta-culla-culla then appeared to plead for peace. Smallpox had broken out among the white troops and most of the men were dissatisfied and wanted to go home. The Governor therefore offered his terms of peace, which were that a Cherokee warrior should be surrendered for every white person who had been killed, these warriors to be put to death to balance the score.

The Little Carpenter doubted his ability, alone, to fulfill the terms. He asked that Oconostota and Judd's Friend be released to lend the weight of their authority. This the Governor did. The other chiefs were confined under guard within a cabin at Fort Prince George, plain violation of Governor Lyttleton's promise and of the rules of warfare either savage or civilized, by which the

¹³ Affidavits of Virginia Citizens, S. C. I. A. 6, 153-162. Moytoy, (Amo-adaw-ehi) of Citico, was a nephew of the former Emperor of the same name. A few of his descendants yet live in Monroe County, Tenn., and on the Eastern Reservation.

persons of ambassadors are sacred. The Governor returned to Charleston, where he paraded the streets as a conqueror. He was shortly afterward transferred to the governorship of Jamaica. Control of South Carolina was taken over temporarily by William Bull, Lieutenant Governor.

The imprisonment of their ambassadors, which included the head man of almost every important Cherokee town, roused bitterness and resentment throughout the Nation. Feeling was intensified when Lieut. Richard Coytmore, Commander of Fort Prince George, with another British officer, crossed the river to the town of Keowee, forced their way into a Cherokee house and grossly abused some Cherokee women whose men were away hunting. The French agent Lantagnac appeared among the Cherokees and urged them to take up the hatchet against the English; as did the great Creek chief, the Mortar. Oconostota appeared at Fort Prince George and requested release of the hostages; stating that Governor Lyttleton had promised that they should return without injury to their own countrymen. The request was refused. A few days later, on February 16, 1760, he appeared again, and a second time requested release of the hostages. Coytmore refusing, Oconostota stated that he would go to Charleston and see if he could not get the Governor to release them. "I will go and get a horse for the trip," he said, and as he spoke, waved a bridle around his head three times. This was a prearranged signal. Forty of his followers who were lying in concealment opened fire and mortally wounded Coytmore. As soon as he was borne into the fort, his soldiers fell upon the defenseless hostages, twenty-two in number, and killed every one. By this bloody act, almost every Cherokee town in the Nation lost its head man, and there could be but one result. "Every man of them that can carry a gun is on the war-path," one of the traders wrote.

Communications with Fort Loudoun were cut. Willenawah, (Awali-na-wa, Big Eagle), nephew of Old Hop, was entrusted with siege of the fort which he pressed with ever-increasing intensity. Oconostota, the Raven, and Judd's Friend led large parties of warriors to the Carolina frontier. In the Long Cane settle-

ments of South Carolina, fifty-six people were killed. The Yadkin settlements in North Carolina suffered severely. Governor Bull sent a hasty call to General Amherst for help, and in June, 1760, Colonel Archibald Montgomery, with two Highlander regiments, arrived at Charleston. Realizing that Fort Loudoun was in desperate straits, he marched at once for the frontier and burned the two Cherokee towns Estatoe and Sugartown. He then proceeded, by forced marches, toward the Middle Settlements. About five miles east of the present Franklin, N. C., at a place called Etchoe Pass, Oconostota placed his forces in ambush and waited. A hard battle was fought there, in which the English lost about one hundred men. Although Montgomery advanced a few miles and burned the town of Etchoe, he was so crippled and encumbered with wounded that a prompt retreat to Fort Prince George was ordered. The victorious Cherokees hung on his flanks and harassed him very much as the Americans were later to harass the British at Lexington. It was a great victory for Oconostota.

The defeat of Montgomery left Fort Loudoun in hopeless condition. Demere held out until August, 1760, his men being forced toward the last to eat mules, rats, and anything possible to secure. A number of the men had married Cherokee women, among these being William Shorey, Chas. McLemore, and John Watts. The wives of these men managed to smuggle them a few supplies. Willenawah threatened them with death, but the women replied that if they were killed their relatives would, according to Cherokee law, kill Willenawah in return.

Captain John Stuart, an officer who had married the half Cherokee daughter of Ludovic Grant, an old trader in the Nation and greatly beloved, was sent to arrange terms of capitulation. These were quite honorable. The garrison was permitted to march out with flying colors, each man being permitted to retain his gun and sufficient ammunition to sustain him until arrival at Fort Prince George. The Cherokees agreed to supply horses for the wounded and feeble, and men to hunt for meat on the march. In return, the fort, the cannon with which it was defended, all powder and ball and other supplies, were to be surrendered to

the Cherokees without deceit or evasion. Old Hop, the Cherokee Emperor, had died during the siege. His nephew, Standing Turkey, with Oconostota, signed the articles of capitulation for the Cherokees; and Captains Demere and Stuart for the English. On August 8, 1760, the British flag was hauled down, and the garrison, numbering about three hundred with women and children, marched for Fort Prince George, distant one hundred and forty miles. Late that afternoon, they camped at Cane Creek where it empties into the Tellico, the first day's march having been about fifteen miles.

With great rejoicing, the Cherokees swarmed into the long besieged fort. The respect in which they held their leaders was shown in their treatment of the Little Carpenter. He had taken no part in the siege, and had more than once given warning to Demere of impending attacks. The Cherokees, however, granted him the right to his own opinions. Upon the surrender, he was permitted to take the house of Captain Demere for a residence.

Some time that day, a warrior discovered fresh dirt under a cabin and surmised that a burial had taken place. Eager for a scalp, he began digging, and uncovered ten kegs of powder which had been hidden in violation of the terms of surrender. The passions of the campaign flared again. It was never known by whose order the powder was secreted, but the warriors placed the blame without hesitation upon Captain Demere. The war whoop was sounded, and as one man the Cherokees swarmed upon the trail of the garrison.

The Little Carpenter was horrified by the turn of events. Then and there, he performed an act that has made his name synonymous with Indian friendship. He had taken the oath of blood brotherhood with Captain John Stuart. He realized that the wrath of the warriors would be directed against him as well as Demere, for Stuart, with his commander, had signed the articles of capitulation. The Carpenter called to him Onatoy, a brother of the well known chief Round O, a warrior in whom he had the utmost confidence. To Onatoy he confided that Stuart was his blood brother a relationship held particularly sacred by the Cherokees.

He instructed Onatoy to proceed to the white camp and to save Stuart's life, regardless of what might happen.

At daybreak on the morning of the 9th, as the white men were preparing for another day's march, seven hundred yelling painted savages closed in on them. The Indians directed their fire mainly at the officers. At the first gun, Onatoy rushed upon Captain Stuart, overcame him, and forced him across Cane Creek to comparative safety. He was the only English officer to escape. Demere was wounded at the first fire, scalped while yet alive, and various members of his body were amputated until he died. His mouth was stuffed with dirt, the warriors taunting him, "The English want land, we will give it to you." That the action of the Cherokees was directed principally against Demere is shown by the action of Judd's Friend; who, as soon as the white commander was killed, ran to all parts of the field, shouting "Stay your hands, we have got the man we want!" Twenty-three Englishmen in all were killed; the remainder of the garrison, including women and children, surrendered. The warriors of Citico, resentful because it was their people who had been killed in Virginia, carried two prisoners, privates Luke Croft and Frederick Mouncy, to their town with the intention of burning them at the stake. Croft was actually burned, and Mouncy would have suffered his fate but for the arrival of a runner from Oconostota forbidding his execution. The prisoners as a whole were treated kindly; some of them were ransomed, and others were released at the conclusion of peace in the following year. Several who had married Indian women chose to remain among the Cherokees.¹⁴

The escape of Captain John Stuart is one of the classics of Indian warfare. His captor, Onatoy, hurried him to Fort Loudoun where he was given the reception of a friend and brother by the Little Carpenter. "I had thought never to see you again," the chief exclaimed; and he gave to Onatoy in his gratitude, his rifle, pouch, and articles of clothing.

A few days later the Little Carpenter announced that he would go into the woods with his friend and hunt the deer that Cap-

¹⁴ *South Carolina Public Records*; and various Draper Manuscripts.

tain Stuart's strength might be regained, after the hardships of the long siege. Regardless of his own popularity among his people, and even of his life, for Oconostota had planned to use Stuart to operate Fort Loudoun's cannon against Fort Prince George, the Little Carpenter conducted his friend for nine days through the wilderness to the Virginia fort at Long Island of Holston.¹⁵ The chief then returned to face, if necessary, the wrath of his people.

Fort Prince George was never attacked. The Cherokees really desired peace with the English, and toward that end the Little Carpenter used all his influence. A great council was held at Nequassee late in 1760, which was attended by two thousand Cherokees. It voted unanimously for peace, but peace was not yet to come.

The destruction of Fort Loudoun and the possibility of further Indian hostilities roused consternation in South Carolina. Governor Bull dispatched an urgent message to General Jeffrey Amherst, British commander in North America, for help. The conquest of Canada had just been completed, deciding that America was to be English and not French. General Amherst, having plenty of idle soldiers at his disposal, ordered Col. James Grant with two thousand regulars to South Carolina to chastise the Cherokees. Grant asked and received permission to take with him Roger's Rangers, commanded by Major Robert Rogers, the most capable Indian fighter in North America.¹⁶ Grant himself was familiar with the Cherokee country, having served as Montgomery's aide, and he had had much experience against the northern Indians. He carefully planned every detail of the campaign with General Amherst before leaving New York.

Colonel Grant arrived at Charleston early in 1761. Even a slight investigation convinced him that further hostilities were use-

¹⁵ The Little Carpenter took with him also, the physician at Fort Loudoun, and William Shorey the interpreter, and a young Indian woman who was probably Stuart's Indian wife, daughter of Ludovic Grant. Shorey was the great-grandfather of Chief John Ross; and Stuart was the progenitor of the well known Bushyhead family.

¹⁶ See *Northwest Passage*, by Kenneth Roberts, for details of the exciting life of Major Robert Rogers.

less; that the Cherokees wanted peace, and the war existed "only in the heated imagination" of certain Carolinians. Grant had his instructions, however, and carried them out with an energy and thoroughness that was to make his name a watchword among the Cherokees for half a century.

Moving rapidly into the Cherokee country, within the space of twenty days, he destroyed every Middle and Lower town. The Cherokees were badly defeated at Etchoe Pass, scene of Montgomery's failure. Fifteen Indian towns were reduced to ashes. More than a thousand acres of crops were destroyed. Five thousand Cherokees were driven into the woods, as Grant thought, to perish. Grant failed to recognize, however, the extent of the Cherokee country. The refugees simply crossed the mountains to the Valley and Overhill towns where they found ready welcome. Once the troops were withdrawn, the Middle and Lower towns were rebuilt.¹⁷ The Indian loss in man-power was slight.¹⁸

Having completed his campaign, Grant retired to Fort Prince George and sent runners to the Cherokees desiring that they come in to treat for peace. A few days later, Attacullaculla appeared. Colonel Grant announced his terms, which were agreeable to the Carpenter with one exception. Grant specified that four Cherokees be delivered to him to be put to death in front of his troops, as a warning to other Cherokees. This stipulation the Carpenter refused. He asked permission to go to Charleston and talk the matter over with Governor Bull, which was granted. As a result of that conference, the disagreeable requirement was eliminated, and the Cherokees were granted an honorable peace. The treaty was signed December 16, 1761, by the following chiefs:

¹⁷ A copy of Grant's Journal, a day by day report of his campaign, may be consulted in the Lawson McGhee Library, Knoxville, in their typed copy of *British Colonial Papers* covering the period of John Stuart's agency.

¹⁸ Early writers estimated the number of the Cherokees at 60,000. Adair states that one half of the nation were destroyed by smallpox in an epidemic in 1738, the disease having been communicated from negroes brought over on a slave ship to Charleston. South Carolina documents indicate, however, that the number of deaths was much smaller, one writer placing it at 1,000. It is thought that the early population was considerably over-estimated. It was probably nearer 30,000 than 60,000.

Attacullaculla, of Echota
 Kitegisky, the Prince, brother of Oconostota
 Skilolosky, of Sticoy, brother of Judd's Friend.
 Cappy of Tomotley, adopted son of Old Hop.
 Onatoy of Toquo, brother of Round O
 Halfbreed Will, of Nequassee
 Old Warrior, of Estatoe, commonly called the Good War-
 rior
 Tettatalaska, of Citico
 Outacite, the Mankiller, of Keowee

A part of the agreement stipulated that all the English prisoners captured at Fort Loudoun or otherwise, be surrendered within ninety days at Fort Prince George; and all Cherokees held prisoner by the English were released. By request of the Little Carpenter, John Stuart was sent to the Cherokees to act as resident British Agent. A short time later he was appointed His Majesty's agent to all southern Indians, with headquarters in Mobile.

It will be noted that neither Oconostota nor Judd's Friend, both of whom had been the leaders in the recent hostilities, attended the treaty, for fear that their presence might arouse resentment. Each of them, however, sent his brother as evidence of good faith. Oconostota, in fact, was blamed by many of his own people for the calamity that had come upon the Cherokees, and the war chief had the good judgment and modesty to place himself in comparative retirement for a time. A year later, Lieut. Timberlake visited the Overhill towns, and found Judd's Friend, Outacite, acting in Oconostota's place. Oconostota still held a high place in the estimation of the Cherokees, for in a letter to Captain Stuart, inviting him to visit again his Cherokee friends, the chief signs himself "Speaker of the National Assembly." Stuart's departure from the Cherokee country did not lessen his friendship for the Little Carpenter and his people, which was to endure until his death.¹⁹ Oconostota, in his letter, spoke of the happiness

¹⁹ Full account of the proceedings at Bull's treaty with the Cherokees in 1761 may be found in *South Carolina Public Records*, *S. C. Journal*, Sept. 15, 1761. The period of Stuart's agency is best covered by *British Colonial Papers*, Lawson McGhee Library, Knoxville.

of the Cherokees if they could once more shake Stuart's hand; "It is what you will," he said, "if you will visit us again."

The Cherokee war of 1760-61 had one delightful result: the visit to the Overhill towns of Lieut. Henry Timberlake, and his subsequent trip to London with three Cherokee chiefs headed by Judd's Friend. That chief, like the little Carpenter, was thereafter the firm friend of the English.²⁰ Timberlake's story, however, had a sad ending. Two years later, he made a second trip to London with a delegation headed by Cheulah, the Fox, of Citico. The second visit was unauthorized and led to Timberlake's ruin. The Indians were eventually returned to America on one of His Majesty's warships. Timberlake, reduced to penury, wrote his memoirs to retrieve his fallen fortunes, but died before their publication.

In 1768, Oconostota and Attacullaculla signed a treaty at Hard Labor, South Carolina, with John Stuart, by which the Cherokees ceded a large tract of land, including the sites of the old towns of Seneca, Keowee, Sugartown, Estatoe, and Tugaloo. This treaty almost extinguished Indian titles in South Carolina. "Having given our friends enough land to live on," Oconostota said, "I hope we may dwell together in peace as brothers." The hope was in vain, for the ink was hardly dry when white settlers were across the mountains at Watauga River in violation of the treaty.

Leaving the Treaty of Hard Labor, Oconostota, the Little Carpenter and Judd's Friend were conveyed aboard an English warship, and were taken to New York, where they attended at Fort Stanwix a great congress of all Indian tribes held by Sir William Johnson, the northern British Indian Agent. The object was to secure a lasting peace between those Indian tribes which had formerly been subject to the French, and those who had followed English interests. Oconostota and Judd's Friend returned aboard the ship. The Little Carpenter journeyed by land to the Shawnee towns in Ohio which had been hereditary enemies of the Chero-

²⁰ Timberlake's *Memoirs* have been reprinted by S. C. Williams.

kees to use his persuasive powers with those Indians toward peace. His efforts were not entirely successful. Shawnee raids in the Cherokee country continued, with Cherokee retaliatory efforts, until the Revolution. This trip, however, probably made the Little Carpenter the most traveled of all Cherokee chiefs.

During John Stuart's absence from the Cherokee country upon his duties at Mobile, he sent as his deputies among the Cherokees, Alexander Cameron and John McDonald. McDonald lived at Chickamauga, near the present Chattanooga, Tennessee. Cameron lived first in South Carolina, but after the cession of Indian lands there, moved to Toquo, among the Overhills. He married a Cherokee woman, and was greatly beloved by the Indians. A strong friendship, leading to the rite of blood brotherhood, developed between Cameron and the Little Carpenter's son, Dragging Canoe, (Tsi-yu-gun-sini).²¹ This chief was later to become the bulwark of Indian opposition to white encroachment; and his influence was to throw the support of the Cherokees to the English and not to the Americans, in the Revolutionary War.

The year 1775 found England and America on the verge of war. That, however, was on the seaboard. Beyond the Alleghenies other events occupied the stage. American settlements had penetrated well into Cherokee country at Watauga and Nolichucky. Richard Henderson, a man of vision of North Carolina, had an ambition to establish an inland empire where free men might settle without fear of such things as stamp taxes. Already, many North Carolinians had crossed the mountains to Watauga and Holston to escape oppressive English governors. Henderson organized the Transylvania Company to purchase all of Kentucky and Middle Tennessee from the Cherokees. Daniel Boone, acting for him, had scouted over the entire territory with more than favorable report. Henderson met the Cherokees at Sycamore Shoals on March 7, 1775, and after a week of negotiation, secured a deed for the vast territory, in return for which he paid the Cherokees \$50,000 in goods: guns, ammunition, blankets, beads, etc.

²¹ Indian relationship is difficult to trace. The writer makes the statement that Dragging Canoe is the son of the Little Carpenter from what seems good evidence. He was either son, or nephew.

The treaty was marked by a startling protest from Dragging Canoe, the Little Carpenter's son. Regardless of the fact that his own father was willing to sign, Dragging Canoe protested bitterly against cession of his people's hunting grounds. He flatly refused to sign. In a speech bristling with honest patriotism, he begged his people not to sell their lands. With prophetic eye he foresaw the ruin of the red men. He predicted that they would be driven ever westward, and their lands taken from them even there. When Oconostota and the Carpenter signed regardless of his protest, he stalked from the treaty ground with the defiant statement to Henderson, "You have bought a fair land, but you will find its settlement dark and bloody." And to that end Dragging Canoe devoted his life, successfully.

The war between England and America gave Dragging Canoe, as he thought, his opportunity to regain his people's hunting grounds. Every ounce of his influence was thrown into the scales in favor of the English. "I will hold fast to your talk," he told Cameron; "I will set out for war and will stick close to these Virginians. I do not understand their crooked talks." Through his influence, backed by Cameron and McDonald, British agents, the Cherokees threw their strength to English support. Georgia, the Carolinas, and Virginia felt at once the scourge of Indian warfare. Dragging Canoe led the principal body of warriors from the Overhill towns against the Watauga settlements.

Oconostota and the Little Carpenter were old. With bitter memories of the last war, they sat silent and dejected when the younger chiefs, with fiery eloquence, demanded that the hunting grounds they had sold be repossessed by the Cherokees. "I am no speaker," said Oconostota, "I will let my nephew, the Raven, speak for me." The Raven (Colonah) of Chota was thenceforth considered as acting War Chief in Oconostota's place. The Little Carpenter, likewise being old, designated Old Tassel, (Kai-ya-ta-hee) to speak for him. These two, the Raven and Old Tassel, became the War and Peace Chiefs of the Cherokees.

The Indian warfare brought swift reprisals. The towns around the headwaters of Tugaloo River were destroyed by Georgians.

Colonels Williamson and Rutherford, of the Carolinas, destroyed the Middle and Valley Towns. Colonel Christian, with an army of Virginians, burned the Overhill Towns. The Cherokee country was thus completely desolated. The Raven and Old Tassel sued for peace, and a treaty was held at Long Island in July, 1777, by which the Cherokees were compelled to cede all of upper East Tennessee and an immense tract in Western North Carolina. The treaty was signed for the Cherokees by Oconostota, Attacullaculla, The Raven, Old Tassel, Abram of Chilhowie, Outacite of Hiwassee, and lesser known chiefs.²²

Dragging Canoe regarded the peace negotiations with scorn. Inasmuch as the old men of the Cherokees had become "Virginians and rogues," he announced his intention of seceding from the Cherokee Nation. He demanded that the Little Tennessee towns so long occupied by the Overhills should be abandoned, and new locations be selected lower down the Tennessee River. Followed by nearly a thousand warriors, practically the entire fighting strength of the Nation, he removed to Chickamauga Creek, at the site of the present Chattanooga. He was accompanied in his voluntary exile by such prominent chiefs as Outacite, Young Tassel, later to be known as John Watts, Scolaguta or Hanging Maw, Bloody Fellow, Little Owl, Kitegiska, the Glass, Middlestriker, Little Turkey, Richard Justice, Lying Fish, and other chiefs of less renown. Eleven towns were established in the vicinity of Chickamauga Creek, and drawing their name from the little stream, Dragging Canoe and his followers soon became known as the Chickamaugas. They regarded themselves, however, as Ani-yunwiyah, the real Cherokees, and called those Cherokees who had entered into the treaty with the white men, "Virginians and rogues."

Dragging Canoe instantly dispatched war parties to the frontier to take American scalps. He himself was raiding in the neighborhood of Long Island before the detested treaty negotiations had been completed. The menace was recognized in the white settle-

²² See Haywood, *Civil and Political History of Tennessee*, Appendix, for full account of the Treaty of Long Island. The Cherokees reserved the island itself, a "sacred old treaty ground," for the use of Col. Nathaniel Gist of Virginia, father of Sequoyah.

ments; and early in 1779 a combined army of Virginians and North Carolinians destroyed the new Indian towns. Four Indians only were killed, and Dragging Canoe was not dismayed. "We are living in the grass, but we are not yet conquered," he said. He withdrew with his followers behind the protection of Lookout Mountain, stretching forty miles north and south into Alabama. The Tennessee River below Chattanooga was impassable for navigation. The only entry into the new retreat was by a narrow pass at Lookout Mountain, which could be defended by a few men against a host. In this safe location, five new towns were built, and later a sixth. They were Nickajack, Running Water, Crowtown, Lookout Town, and Long Island.²³ A few years later Willstown was built, near the present Fort Payne, Alabama.

The peace loving heart of the Little Carpenter was broken by the calamities of his Nation. His last public appearance was at the Treaty of Long Island, in July, 1777. He was at that time living at Natchey Town, on Natchey Creek about seven miles south of the former Fort Loudoun. Shortly after his attendance at the treaty, he died, in the seventy-seventh year of his age. His place of burial is not definitely known, but is probably at Natchey Town.²⁴

Oconostota, also old and helpless, but quite friendly to the white men, was taken by Col. Joseph Martin, Virginia's Indian agent, to his home near Long Island, where his last years were passed peacefully. Early in 1783, he told Colonel Martin that his end was near, and requested that he might be buried in the soil of Echota. His wish was respected. He was taken by canoe to Echota. Taking Colonel Martin by the hand, he asked that he be given Christian burial, and expired while thanking his friend for his kindness. Colonel Martin placed his body in a canoe, and buried it as Oconostota had wished.²⁵

²³ The Cherokee names were Ani-Kusati-yi, Amo-gayun-yi, Kagun-yi, Utsutigwa-yi or Stecoyee, and Amo-yeli-gunhita.

²⁴ Natchey Town was also the place of the birth of his son, Dragging Canoe.

²⁵ Narrative of William Martin, Draper Manuscripts. A short time before he died, Oconostota said to Colonel Martin, "I have never run from an enemy, but I walked fast up a branch once."

From his "Five Lower Towns," Dragging Canoe maintained unceasing warfare against the Americans. Late in 1780, the region on Cumberland River around Nashville, part of Henderson's purchase, was settled by white men. The new settlement grew rapidly, and within fifteen years had a white population of ten thousand. Yet, until Dragging Canoe's death, the life of no man was safe except in a walled fort. For many years the only route to the Cumberland was by way of Kentucky. So closely was the Kentucky Road guarded by red warriors that as late as 1794, the rate for carrying a letter from Knoxville to Nashville was fifty dollars, "and that dearly earned in many cases," commented Governor William Blount.

The relations of Cherokees and white men were complicated by the State of Franklin, which in 1784 declared its independence from North Carolina and for four years maintained separate government. John Sevier, Franklin's famous Governor, repeatedly led his hard riding followers against the Cherokee towns. By the "Treaty of Coyatee," more of a pretext than a treaty, Franklin seized all Cherokee land north of Little Tennessee River, and Old Tassel, in Echota, could look across the narrow stream at white settlements. The United States Government by the Treaty of Hopewell, in 1785, refused to recognize Franklin's claims, and placed the Cherokee boundary at the old line. Franklinites ignored the treaty and encroached more and more on Cherokee land. The only answer could be bloody Indian warfare.

In 1788, Old Tassel and Abram, harmless, friendly chiefs, the former the principal chief of the Nation, were killed while under a flag of truce by a band of Sevier's men under command of James Hubbard, an Indian hater. The actual killing was done by John Kirk, whose people had been murdered by Indians. This bloody act sent to Dragging Canoe's camp some stalwart recruits. Old Tassel's brother, Doublehead, was to prove the most bloodthirsty of all the Indian chiefs who harassed the American border. His nephew, Benge, known to the whites as Captain Bench because he wore a sword taken from an English officer at Fort Loudoun, was to take forty-five scalps with his own hands, and to become

so famous that white mothers would say to their children, "Captain Bench will get you if you are not good." John Watts, another nephew of Old Tassel, was roused to frenzy by the treacherous death of his uncle, and could not mention the matter for years thereafter without shedding tears.

Following the collapse of the Franklin movement, John Sevier was arrested and carried to North Carolina to be tried for treason. During his absence, Joseph Martin, Brigadier General of the frontier militia, led an army of five hundred in an unsuccessful attempt to destroy the Five Lower Towns. A successful ambush at the pass of Lookout Mountain forced the white army back in dismay, followed closely by an avenging horde of warriors who spread terror on the border. In October, 1788, Gillespie's Fort, a small station on Little Tennessee River, was taken by storm, and twenty people lost their lives. A defiant note was left at the burning ruins, signed by John Watts, Bloody Fellow, Kitegisky, and Glass, warning the white settlers to move off Indian lands within thirty days. An index of the character of the border warfare may be had in the action of Bloody Fellow, who, when he lost his brother through what he considered white treachery, took fifteen scalps in revenge.

The Cherokees had long ago discontinued, in active warfare, the use of gatsodi-ale-dacleda-taw, the bow and arrows. Although the bow, at short range, was probably more deadly than the defective guns handled by the traders, the white man's weapon was used whenever it could be procured. That fact was most unfortunate from the standpoint of the Cherokees, for it made them dependent entirely upon outside sources for their ammunition. Thus the failure of ammunition at the second Battle of Etchoe Pass enabled Grant to win his campaign. There is little doubt that the conquest of the Indian country would have been long delayed had the red warrior stuck to his ancient weapons.

Up to and during the American Revolution, the Cherokees secured their ammunition from the English. The close of the American Revolution would have automatically ended the Indian

wars by shutting off their supplies of powder and ball, but for one reason.

By the terms of the treaty which ended the Revolution, Spain was awarded Florida, and as she already owned Louisiana, this gave her control of the mouth of the Mississippi and navigation on that great stream. Spain was determined to maintain that control. She regarded the western American settlements as a menace to it, and was willing, even anxious, that they be destroyed. To that end, Spain supplied the Indians with unlimited ammunition, "to be had for the asking," and the Cherokees were enabled to carry on.

North Carolina in 1789 ceded its western lands to Congress, which organized the Territory South of the River Ohio, comprising the present Tennessee. William Blount, friend of Washington and member of the convention which had just framed the Constitution of the United States, was named Governor.

Governor Blount took up his duties in 1790. His first act was an attempt to end the Indian war by diplomacy. He announced that he would rectify the wrongs done the Indians. Hence, practically every chief of prominence, with the lone exception of Dragging Canoe, attended Blount's Treaty of Holston in 1791.

The Indians had understood that Blount would remove white settlers from Indian land. They were bitterly disappointed when, instead of removing the settlers, he proposed to buy the land which had been wrongfully taken. Watts and Bloody Fellow, who spoke for the Cherokees, protested. Watts, overcome by the memory of the treacherous death of his uncle, withdrew from the treaty. Blount offered the Cherokees some presents, and an annuity of \$1000.00 for the land. "It would not buy a breech clout for each member of my Nation!" Bloody Fellow replied; but signed the treaty, feeling himself under duress. Without consulting Blount further, he set out at the head of a delegation for Philadelphia to attempt to secure better terms from the President. The effort resulted in an increase of the Cherokee annuity to \$1500.00 per year; and Washington conferred upon Bloody Fellow a new name,

Eskaqua, meaning "Clear Sky."²⁶ Thereafter, he was a friend to the Americans.

While Bloody Fellow was in Philadelphia, Dragging Canoe died, in March, 1792. John Watts was elected his successor as War Chief. Watts was a magnetic personality, an eloquent orator, and a man of proven bravery. The Cherokees flocked to his banner with even more enthusiasm than to that of Dragging Canoe. In addition, a large number of Creek warriors placed themselves under his command. It was a stirring scene when Watts, at the great council at Willstown in September, 1792, threw the weight of his influence into the scales, and announced "To war we will go together.!"

Watts was determined to prove that Indians could "fight in armies" as well as white men. His plan of campaign was well thought out. He proposed to throw the whole strength of the Nation against the Cumberland settlements, wipe them out, then turn eastward and repeat the process at Watauga. He himself marched against Nashville at the head of three hundred warriors. To block assistance or word of his coming, Doublehead was sent with a hundred men to lie in wait upon the Kentucky road. Middlestriker, with the same number, was sent to cover the new Cumberland road, a shorter route just opened from Knoxville to Nashville. Middlestriker intercepted and defeated a band of forty white militia on the way to Nashville, capturing the commander, Captain Samuel Handley. Doublehead found the Kentucky road almost deserted, took a couple of scalps, and departed post-haste for Nashville to assist in the attack.

Two days later he camped at Horseshoe Bend of Caney Fork River. His men scattered to hunt, leaving a single sentry at the camp. About noon, Captain William Snoddy in command of thirty-four militiamen, discovered and plundered the camp. The sentry escaped, and feeling sure that he would be attacked, Snoddy chose a strong position, protected on three sides by a high bluff, and went into camp for the night. It soon began to drizzle rain.

²⁶ The word Eskaqua is from the Shawnee. In Cherokee, Clear Sky would be Galunladi-yiga.

The men were kept at high tension throughout the night by Doublehead assembling his warriors. The howl of a wolf, answered by the scream of a panther, the hoot of an owl, or the bark of a fox, culminated about daybreak with a terrific yell, followed by profound silence. Four of Snoddy's men bolted in terror, and were seen no more. At daylight, Doublehead attacked. A desperate hand to hand struggle, lasting an hour, ensued. Doublehead lost thirteen men, and Snoddy four. The Indians withdrew eventually, and proceeded toward Nashville. That day, Doublehead was met by two runners who informed him that Watts had failed, and was being carried, mortally wounded, to Willstown. Doublehead, scourge of the frontier, wept. "Vengeance I will have for Watts!" he said.

The Indian campaign had indeed failed. Watts had with him numerous Creek allies under Talotiskee of Broken Arrow; and thirty Shawnees under Shawnee Warrior. About dark on September 30, 1792, the Indians approached Buchanan's Station, five miles east of Nashville. Watts insisted they they proceed to Nashville, which was the principal object of the campaign. His two allies objected to leaving white men in their rear. "Buchanan's must be taken first!" they argued. About midnight Watts consented. A furious assault, which lasted through the night, was made. No white men were killed, but the Indian loss was serious. Talotiskee and Shawnee Warrior were killed; as were Little Owl, Dragging Canoe's brother, and Kiachatalee, a brave young chief of Nickajack. Watts, desperately wounded, was placed upon a stretcher between two horses, and the Indian army retreated rapidly.

Watts recovered. The following year, 1793, he led an army of a thousand warriors against the settlements around Knoxville. Dissension with his uncle, Doublehead, delayed the march and gave the white settlers time to congregate in the forts. A small station, Cavett's, eight miles south of Knoxville, was surrounded. The inmates offered to surrender if their lives were spared. Watts, a humane man, readily agreed, the famous Captain Bench acting as interpreter. No sooner were the gates opened than Doublehead fell upon the helpless captives and murdered every one, regardless

of the protests of Watts and other chiefs. The redoubtable Bench wept, feeling that his honor had been betrayed, for he had promised the captives immunity. Watts abandoned the campaign, was pursued by John Sevier at the head of a large force, and was defeated at Etowah, site of the present Rome, Georgia.

Governor Blount, hoping to end the war, invited the leading chiefs to visit President Washington at Philadelphia. Doublehead was among those who accepted, and headed the delegation. The old warrior succeeded in having the Cherokee annuity raised to \$5000.00 per year, and collected a year in advance which he distributed among his own followers.

In September, 1794, a white army from Nashville, headed by Col. James Ore, surprised and destroyed the towns of Nickajack and Running Water. About the same time General Wayne defeated the northern allies of the Cherokees; and Spain, pushed by the Napoleonic wars in Europe, withdrew support from the Indians. Watts, faced by the inevitable, made peace with the Americans. The implacable Doublehead returned about that time from Philadelphia, and although peace had been made, could not resist the temptation to make one more raid. He led a surprise attack upon the station of Valentine Sevier and killed fourteen people, in revenge, as he said, for what Sevier's brother "Chucky Jack" had done to the Cherokees.

Thereafter the Cherokees followed the white man's path and made war no more with the Americans.

Following the death of Old Tassel in 1788, the upper Cherokee towns recognized Scola-guta, Hanging Maw, as Peace Chief. He was not active until the close of the war, when Watts, the War Chief, retired to comparative seclusion at Willstown.²⁷ Hanging Maw was then recognized generally as head of the tribe. The assassination of the Principal Chief, and steady encroachment of white settlers even south of the Little Tennessee, caused a general

²⁷ John Watts, respected and beloved by his people, continued to reside at Willstown, where he died about 1808. He is believed to have been buried in the cemetery now marked as the site of the Willstown Mission to the Cherokees, about two miles north of Fort Payne, Ala. His grave, however, is not marked.

exodus from the towns along that stream, so long occupied by the Cherokees. The Creeks had been defeated by the Cherokees in the Battle of Taliwa, in 1755.²⁸ Following the battle, the Creek towns in northern Georgia had been abandoned. The Cherokees had gradually occupied the old sites, and this movement was hastened by Old Tassel's death. The Cherokee capital was removed, first to Oostanaula on Coosawatie River in Georgia; and two years later to a new town near the present site of Calhoun, Georgia, which, in honor of the beloved old capital, was called New Echota. Hanging Maw continued to reside at Coyatee,²⁹ and those of the Cherokees who had settled in the Georgia towns, the lower part of the Nation, generally recognized Kanaketa, the Little Turkey, as their head man. Until peace was established, in 1794, the affairs of the Nation were in great confusion.

Hanging Maw died in 1798, and was succeeded as Peace Chief by the Little Turkey. Both of these mild and friendly chiefs were dominated by the powerful personality of Doublehead, who had been selected as speaker of the National Council, and who came more and more to represent his people in all dealings with the white people. Doublehead was utterly selfish and unprincipled.³⁰ In the year 1807, without authority from the National Council, and probably for bribery, he signed a treaty ceding all Cherokee land lying to the westward and northward of Tennessee River, including Sequatchie Valley and Cumberland Plateau, the best hunting ground of the Cherokees. Certain parcels of land were privately reserved for the use of Doublehead and his relatives.

The terms of this treaty when they became known created consternation and uproar. Doublehead when upbriaded for his treachery was defiant, and shot one of his accusers. He was then

²⁸ It was at the Battle of Taliwa that we get our first glimpse of the famous Nancy Ward, later to be Agi-ga-u-e, Beloved Woman, of the Nation. Her first husband, the Kingfisher, was killed in the action. She took his place and fought as a warrior, and later, in recognition of her bravery, was made Beloved Woman.

²⁹ Coyatee, Kai-ete-yi, Sacred Old Place, was situated at the mouth of Little Tennessee River, opposite the present Lenoir City.

³⁰ This statement should be modified, perhaps, by the fact that Doublehead's hatred of the white man, and his reason for going to war in 1788, was the treacherous murder of his uncle while under a flag of truce.

killed by a party consisting of Major Ridge, John Rogers,³¹ Alex Saunders, and two members of the clan of the man whom he had killed. Black Fox, Enoli, who had succeeded the Little Turkey as Principal Chief in 1801, confirmed Doublehead's treaty upon an agreement by Return J. Meigs, United States Indian Agent, that he would be paid a thousand dollars in cash and a regular annuity. The practice of bribing chiefs, usually when drunk, was followed regularly to obtain concessions that would have been hard to obtain without the use of liquor.

The killing of Doublehead was the cause of the repeal of the old Cherokee law of Clan Revenge; which required relatives of a slain person to exact blood for blood, regardless of the circumstances of the killing. The majority of the Cherokees felt that the killing of Doublehead was justified, and his relatives should not be required to take revenge.

Black Fox died in 1811. He was succeeded by Pathkiller, Nunna-dihi, a very honorable man who was to guide the destinies of the Cherokees through sixteen years. During that time the Nation made its greatest progress despite many discouraging factors.

In 1812-1814 occurred the Creek War. The great Shawnee Chief, Tecumseh, endeavored to unite all Indian tribes against the whites. He was successful in enlisting the Creeks. The Cherokees, after much deliberation, sided with the Americans. They furnished nearly two thousand warriors who fought under Andrew Jackson, and contributed a great deal to winning the war. Colonel Gideon Morgan commanded the Cherokee forces. Under him served such well known Cherokees as Pathkiller, Junaluska, Whitepath, Richard Taylor, Charles Rees, Young Dragging Canoe, and John Ross. The Creek war ended with the Battle of Horseshoe

³¹ John Rogers was an old trader in the Nation prior to the Revolution who lived at the town of Chickamauga, the present Chattanooga. His record was honorable. He saved at least two people from death at the stake by ransoming them with his own goods. He was later to become a leader in the Treaty Faction which advocated removal, and both he and his sons signed the removal treaty. He was the father of James Rogers; whose son, Clement Vann Rogers, was the father of Will Rogers.

Bend, in 1814, by which the Creeks were totally defeated, with the terrible loss of nearly a thousand warriors.

Having served loyally under the Stars and Stripes, the Cherokees should have been entitled to fair treatment and consideration; but the contrary was the case. The State of Georgia, in 1802, had ceded to the Government its western lands out of which was later to be erected the States of Alabama and Mississippi. The land was occupied at the time by the Creek and Choctaw Nations, who claimed title from time immemorial; and Spain also claimed the territory under the terms of the treaty which terminated the Revolution. In return for the cession, the Government paid to Georgia a million and a quarter dollars and assumed the State's share of the expenses of the Revolutionary War. By a clause in the agreement which was later to prove the ruin of the Cherokees, the Government agreed to extinguish Indian titles within Georgia "as soon as it could be done peaceably."

Georgia pressed continually for fulfillment of this clause. White settlers, too, encroached continually on Cherokee lands, and were difficult, if not impossible, to remove. The Government, bound by numerous treaties to protect the title of the Cherokees, was in the predicament of being forced to buy land from the Indians which they were not willing to sell.

In 1817, a treaty was held at Hiwassee, and the Government demanded cession of all Cherokee land north of Hiwassee River. Bitter dissension arose. A number of chiefs were willing to make the cession. Others, probably a majority, opposed it. John Ross, then a young man of 26 years, had just been elected to the National Council. He was well educated, and was appointed to draw up a formal protest to the cession, setting forth that the Cherokees desired no land in the West, but only to remain in peace in the land of their fathers and to become civilized. The cession was signed by certain chiefs, regardless of the protests. Several of these, fearing the fate of Doublehead, removed to the West. Among

them were John Jolly,³² Ahu-ludi-ski, chief of Hiwassee Island; Takatoka, and John D. Chisholm.

In the same year, 1817, the American Board of Commissioners for Foreign Missions established Brainerd Mission at the old town of Chickamauga, the present Chattanooga. Efforts to Christianize the Cherokees had been made as early as 1799; and a Moravian Mission had been in operation at Spring Place, home of the Vanns, since 1804. From Brainerd, branch missions were scattered throughout the Nation, and the Cherokees were almost unanimously Christianized. A few years later, Sequoyah perfected his Cherokee alphabet or syllabary and the Scriptures were translated into Cherokee. The Cherokees rapidly became a reading Nation. In 1827, John Ross drew up a Constitution for the Nation, based upon that of the United States, and in the following year, 1828, he was elected Principal Chief, which office he was to fill for nearly forty years.³³

Shortly after his election, Chief Ross removed from Rossville to the Coosa River opposite the present Rome, Georgia, where he built a commodious home. He was not to enjoy it for long.

Gold was discovered near Dahlonega in 1828. The insistence of Georgia on Cherokee removal became clamorous. Andrew Jackson, candidate for Presidency, announced that if elected he would support Georgia's removal plans. He was elected. Georgia immediately passed a legislative act annexing all Cherokee lands. The Cherokees were forbidden to hold a council within the limits of the State; were denied legal rights of trial; forbidden to dig

³² Jolly was later Principal Chief of the Western Cherokees. He was the friend of Sam Houston and the father-in-law of John Rogers.

³³ John Ross was born at Kanagatugi, Turkey Town, on Coosa River opposite the present Center, Ala., Cherokee County, in 1791. Ann Shorey, daughter of William Shorey, interpreter at Fort Loudoun, and a Cherokee woman, married John McDonald, British Agent at Chickamauga. Their daughter, Mollie McDonald, married Daniel Ross, a trader among the Cherokees. Chief John Ross was their third son. At the time of his birth, the lower Cherokees were at war with the Americans. McDonald, at the close of the Revolution in 1783, had made arrangements with the English trading firm Pantou-Leslie & Co. at Pensacola to secure supplies for the Cherokees. To that end, he located at Turkey Town, which was on the main trail to Pensacola, that he might keep the supplies coming regularly. About 1797, after conclusion of peace, he moved to what is now Rossville, Ga., and built the house still standing, where Chief Ross grew up. Ross was well educated, by private tutor; at the Presbyterian school maintained by Rev. Gideon Blackburn at Kingston; and at a seminary at Maryville now known as Hiwassee College.

gold on their own land; and Cherokee land was divided into lots of 160 acres and gold lots of 40 acres, and distributed by lottery to Georgia citizens. Ross, in the name of the Cherokees, protested the action of Georgia. He appealed to Congress, to the President, and to the courts. On one of his trips to Washington, his home was taken over by a Georgia citizen who had drawn it in the lottery.³⁴ He moved his family to Red Clay, just across the Tennessee boundary, which then became headquarters for the Cherokees until the removal. While there, he was visited by John Howard Payne, author of *Home Sweet Home*, who was so impressed with the justice of the Cherokee cause that he prepared to write a book setting forth their side of the controversy. He was arrested by the Georgia Guard, along with Ross, and imprisoned for two weeks in the Vann home, at Spring Place.

A party grew up within the Cherokees, consisting mainly of those who had been dispossessed of their land in Georgia, which favored selling the land while something could be obtained for it, Georgia already having taken possession. They were headed by Major Ridge, his son John Ridge, Elias Boudinot, editor of the *National Paper*, the Rogers family, the Gunter family, and other prominent Cherokees. In December, 1835, the "Treaty Party" signed a treaty at New Echota by which all Cherokee land east of the Mississippi was sold to the Government for four and a half millions of dollars and an equal acreage in the West. The Western land was guaranteed to the Cherokees "forever, never to be placed under the jurisdiction of any State."

John Ross protested the treaty "in the name of God and the Cherokee Nation." The National Council denounced it as unauthorized. Ross carried a petition of protest to Washington, signed by 17,000 Cherokees, almost the entire population. President Jackson was adamant, and would be satisfied with nothing less than removal.

By the treaty terms, the Cherokees were to remove within two years. Early in 1838, General Winfield Scott with 7000 soldiers

³⁴ The same happened to the Vann House, at Springs Place, still standing, which had cost Joseph Vann \$10,000 to build.

moved into the Cherokee country to enforce removal. The Indians were rapidly concentrated in stockades, and removal began. So many died during the heated season that the National Council petitioned for permission to remove under their own chiefs later in the year. The permission was granted, over the bitter protest of Andrew Jackson who had been succeeded in the Presidency by Van Buren.

In the fall of 1838, thirteen parties of Cherokees, approximately a thousand each, took up the long journey. By April, 1839, the sad pilgrimage was completed, at terrible cost. Four thousand Cherokees had died during the removal. Shortly after arrival in the new country the leaders of the treaty party, Major Ridge and his son, and Elias Boudinot, were killed, presumably for the sale of the eastern lands without authority. John Ross was elected Principal Chief of the reunited Cherokees, and a new life was begun.

Mention should be made of fugitives who fled to the mountains and there hid, thus escaping removal. They were led by Chiefs Utsala, (the Lichen), Yona-gunski (Drowning Bear), and Junaluska. The descendants of these fugitives now constitute the Eastern Band of Cherokees. Eternal fame should go to Tsali, or Charlie; a man not a chief but a true Cherokee and a patriot. Captured, he murdered two soldiers who had insulted his wife while being taken to a stockade for removal. Charlie and his family fled to the mountains and there joined other refugees. General Scott, realizing that to run down each fugitive would be the work of months, made this proposition: if Charlie, his brother, and his two sons would surrender to be put to death for killing the soldiers, the other refugees would be permitted to remain in the mountains without further molestation. Charlie accepted the hard terms. He voluntarily surrendered with his brother and two sons. Later, with exception of the youngest son, they faced a firing squad; thus purchasing with their blood the homes now occupied by the Eastern Cherokees. History records no finer act.

Other chiefs, not so prominent but who played the part of men in the long warfare to hold the Cherokee country, should

have mention. Kingfisher, who died defending the ford at Etowah; Breath of Nickajack, whose name signified that he was a good runner, killed at his own town, Nickajack, in 1794; Glass, of Running Water, who prevented early settlement of Muscle Shoals; Nontuaka, the Northward Warrior, who journeyed to Philadelphia in behalf of his people; Otter Lifter and Red Headed Will, of Willstown; Six Killer and the Terrapin, sons of Nancy Ward; Chuloah, the Boot or Big Foot, who fought at Chickamauga and died on the Cumberland Trail; Kenoteta, the Rising Fawn, who tried to save white mens' lives; Going Snake of Notally, for whom a western district was named; Whitepath of Ellijay, whose bones whitened the Trail of Tears.

The roll would be incomplete without the names of descendants of the white men who married Indian women and whose sons were loyal Cherokees: The Benges, Taylors, Coody's, Careys, Morgans, Vanns, Gunters, Scrimshers, Blythes, Hildebrands, Webbers, Walkers, Finnlestons, Thompsons, McLemores, and Seviars. The fidelity of these sons of white fathers to the people of their mothers is one of the brightest pages in Cherokee annals.³⁵

³⁵ Mr. J. P. Brown is a historian living at Chattanooga, Tennessee.

HOW THE CHEROKEES ACQUIRED AND DISPOSED OF THE OUTLET

By Berlin B. Chapman

Part Four:—THE CHEROKEE TITLE AND THE CATTLEMEN

Previous articles of this series dealt with the acquisition of the Outlet by the Cherokees, the settlement of Indian tribes on the eastern end of the Outlet, the revenues the Cherokees received from the remaining lands by leasing them to cattlemen, and the failure of the Cherokee Commission under the leadership of Lucius Fairchild to purchase the lands in 1889. Part Four presents various views of judicial and executive officers as to the nature of the Cherokee title. It also relates how the government deprived the Cherokees of the benefit of the lands of the Outlet as an inducement for them to sell the lands.

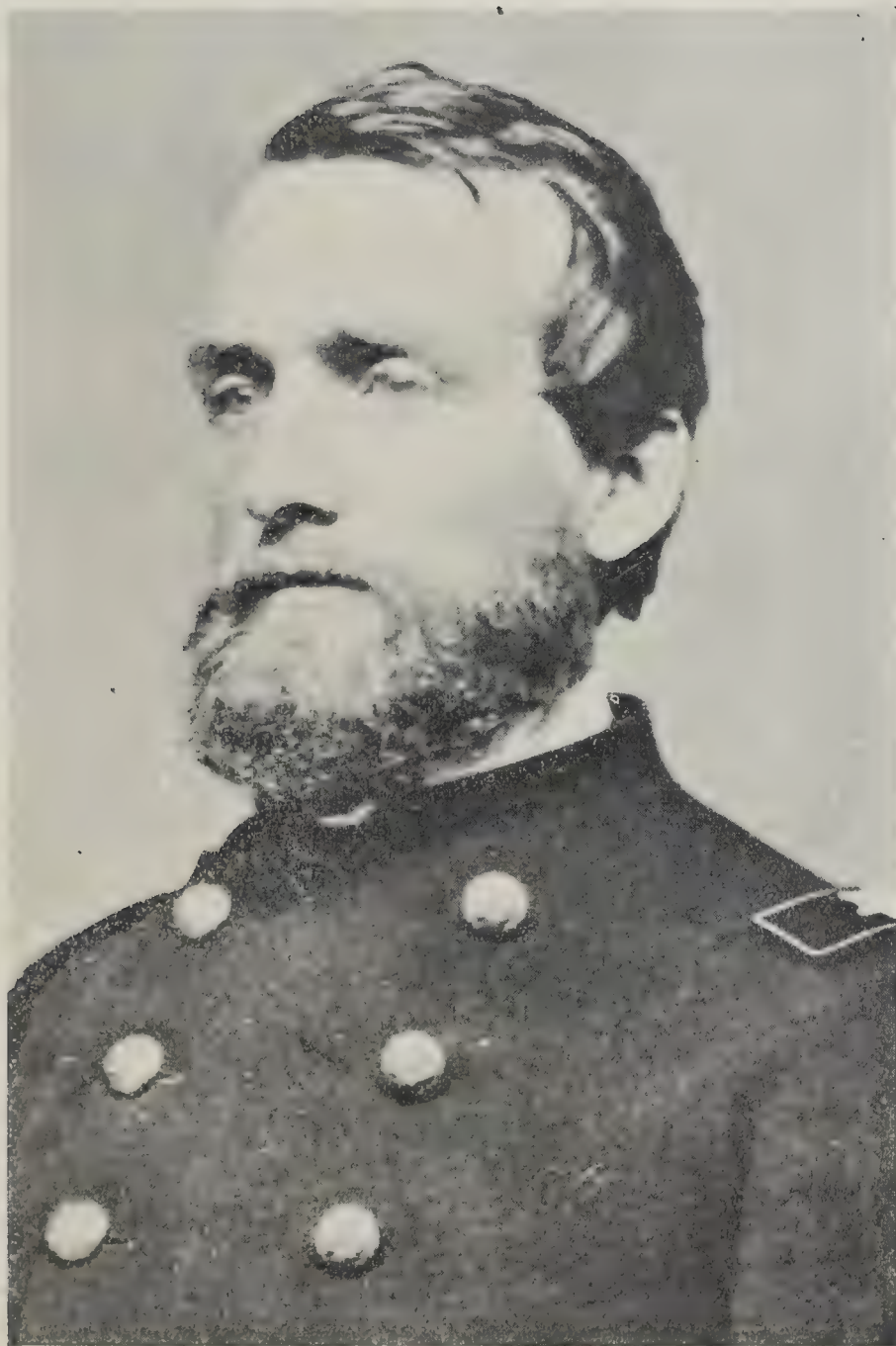
The cattlemen were recognized as the chief competitors of the government in its effort to purchase the lands of the Outlet from the Cherokees. Horace Speed, Secretary to the Cherokee Commission, wrote from Washington: "Harrison wants to order the cattle out by proclamation but don't want to break them [the cattlemen] up and is considering June 1 as the limit of their stay."¹⁸⁷ On January 20, 1890, he wrote: "Today I went with Noble to see the President with two telegrams and a letter that the cattle on the Outlet are not more than 90 or 100,000 and growing less fast. It is probable that the order will issue in a few days. Noble is repressing his impatience at the delay. The President will not act until *he* feels mentally clear and certain that he is right and will not affect the *general* market by putting these cattle out of the Outlet."¹⁸⁸

A week later Sayre wrote from Washington: "The Secy. is more aggressive than the President,"¹⁸⁹ but the President has said

¹⁸⁷ Speed to Fairchild, Jan. 4, 1890, *Fairchild Papers*.

¹⁸⁸ Same to same, Jan. 20, 1890, *ibid.*

¹⁸⁹ Secretary Noble wrote to Fairchild: "I have had one tilt with the Indian Adiar, so called, Blair, a lawyer, and Dr. Hill, who undertook to visit me in a



GEN. LUCIUS FAIRCHILD

to me, that an order removing the cattle is finally and fully settled and determined upon, that no new hoof shall go there, and that 500,000 Cattle shall not stand a minute in the way of any settler that is ready or can get ready to turn a furrow in the Outlet. That he is yet considering on what date the order shall finally operate, but no matter when that shall be, if we or Congress can arrange before that time for settlement, the order shall operate then. I think both are unwilling to take the Atty. Genl's opinion as to title.¹⁹⁰ They say there is some title, and that is enough for any to know."¹⁹¹

The cause of the Cherokees was not utterly confounded. At the National Capitol voices were raised in their behalf. On February 11 Senator Dawes said: "They were told last summer that they should take the one proposition of \$1.25 per acre, and, if not, 'we will do nothing with you, but we will go home and tell the home Government that you have no title whatever.' There was no occasion to express surprise that they would not negotiate after that."¹⁹² Dawes agreed with Senator Teller, formerly Secretary of the Interior, that the title of the Cherokees to the Outlet was a fee simple substantially, and that they could not be divested of it in any other way than by their own consent. Senator John J. Ingalls of Kansas said that the Cherokees should have the full value of their lands and not be "compelled to sell them for a dollar and a quarter an acre when they are worth \$10." Senator

complimentary way, but fell into a discussion with me about the rights of the Cherokees and their conduct. Whereupon I gave them a very distinct statement of my opinion of the Cherokees from first to last, and their treatment of the Commission sent by the United States Government. I did not spare their feelings, and I also brought forward the claim that we had bought this land at forty-seven and forty nine hundredth of a cent an acre and paid them \$300,000 on account, when they even at that time owned not a foot of it, and now for them to haggle about \$1.25 was simply a piece of impudence. The result was I think discomfiture on their part, although we parted in good humor, and I certainly gave them a very unpleasant half hour on account of the treatment you gentlemen received" . . . Noble to Fairchild, Jan. 30, 1890, *ibid.*

¹⁹⁰ Speed had written to Fairchild: "If the opinion is asked Miller has asked me to help brief it." Letter of Jan. 20, 1890, *ibid.* On January 4 he had written to Fairchild: "The Attorney-General thinks the Cherokees have no title; but this is between you and me only." Letter of Jan. 4, 1890, *loc. cit.*

¹⁹¹ Sayre to Fairchild, Jan. 27, 1890, *Fairchild Papers.*

¹⁹² *Cong. Record* (Feb. 11, 1890), 51 Cong. 1 sess., p. 1196. Cf. remarks by Sen. John C. Spooner of Wisconsin and by Dawes on Feb. 13, 1890, *ibid.*, pp. 1274-75.

Teller believed that if they were approached in a proper manner a trade could be made.¹⁹³ On February 13 Senator George G. Vest of Missouri urged the appointment of a new commission to negotiate with the Cherokees for the purchase of the lands, a commission whose offer should not be limited in advance of negotiations.¹⁹⁴

On the same day President Harrison asked Attorney-General W. H. H. Miller merely to state his conclusions upon the question whether the leases on the lands in the Outlet made by the Cherokee Strip Live Stock Association had any legal force or validity. On February 14 Miller, regardless of the treaty of 1866 which provided that the Cherokees should retain right of possession and jurisdiction over all the Cherokee country west of the ninety-sixth meridian until districts should be sold and occupied, replied that the validity of the leases depended upon the consent of the government.¹⁹⁵ On February 17 the President issued a proclamation¹⁹⁶ ordering that no cattle or live stock should thereafter be brought upon the lands of the Outlet¹⁹⁷ for herding or grazing thereon, and

¹⁹³ *Ibid.*, pp. 1197-1199.

¹⁹⁴ *Ibid.*, p. 1272. Note also the remarks of Sen. John R. McPherson of New Jersey on the same day, *ibid.*, p. 1279.

¹⁹⁵ 19 Opinions 499.

¹⁹⁶ *Messages and Papers of the Presidents*, ix, 97. Commissioner Morgan directed Agent Charles F. Ashley of the Cheyenne and Arapahoe reservation to use every necessary precaution to prevent cattle moving under the proclamation from being driven upon the lands under his jurisdiction; and to see that no attempt was made by any cattlemen, or others, to negotiate with any Indians under his charge for the privilege of grazing cattle on the reservation. Letter of March 5, 1890, OIA., *L. Letter Book* 195, pp. 136-137. Copies of the letter evidently in the form of a circular, were sent to the agents of the various agencies in the Indian Territory.

¹⁹⁷ The Office of Indian Affairs considered that the proclamation referred only to lands "now commonly known as the Outlet," and not to lands occupied by the six tribes or bands in the Outlet "as it originally existed." But on March 24 Secretary Noble informed the office that the President intended the proclamation to refer to "the whole" of the Outlet. Letter of March 24, 1890, OIA., *Record of Letters Sent*, No. 64, p. 212. From this position the Department of the Interior justified a general order directing the removal of cattle from the Indian Territory by October 1. With little regard for consistency it was said that the Cherokee nation had "no right, title or interest" in any of the tracts occupied by the said six tribes or bands. Belt to Sec. Int., March 28, 1890, OIA., *L. Letter Book*, 196, p. 278. Cf. p. 46 above. "Unless all importation of cattle upon lands of Indians in the Indian Territory is to be prohibited *now*," wrote Acting Commissioner Belt on March 28, "I do not think the Indians occupying those tracts should be treated differently from those occupying other lands in that Territory not embraced within and not in any wise connected with the Cherokee Outlet." Secretary Noble said that it would be a vain attempt to open the vast regions of the Indian reserva-

ordering that all cattle and other live stock then on the Outlet be removed therefrom not later than October 1. Secretary Noble on March 29 approved an order providing that all cattle and other live stock held on any Indian lands in the Indian Territory under any pretended lease, contract or other arrangement with Indians, for the use or occupation of any part or portion of any Indian lands for grazing purposes, should be removed therefrom not later than October 1, and so much sooner as any special circumstances affecting said lands, or concerning any of said cattle, might make such removal necessary.¹⁹⁸

Thus the government, in order to extinguish the title or rights of the Cherokees in and to the lands of the Outlet, changed the method of procedure as it had threatened to do. "When we consider," says Professor Dale, "that these lands were not opened to settlement until September, 1893, or almost three years later, it must be obvious that the purpose here was not to prepare the lands for settlement but that this was a political move directed against the Cherokees to force a cession of the lands."¹⁹⁹

The Cherokees claimed that in the Outlet they owned fences and buildings valued at a quarter of a million dollars. They desired to keep the lands and held on tenaciously. The orders removing cattle herds and the deprivation of the Cherokees of the use of the lands, in place of alarming them, only inspired a hope and sure expectation that it would all be made right.²⁰⁰ On March 20 they presented a memorial²⁰¹ to Congress protesting against amendments to a bill proposing to organize a territorial government for Oklahoma which should include a portion of the Outlet

tions at any reasonable compensation to the Indians if they were allowed to let them to white men for grazing cattle. Report of Sec. Int., 1890, *H. Ex. Docs.*, 51 Cong. 2 sess., 11 (2840), p. xxxvii.

¹⁹⁸ The order is in *Ind. Aff.* 1890, p. lxiii. See also Noble to Com. Ind. Aff., March 19, 1890, OIA., *Rec. Letters Sent*, No. 64, p. 165; March 29, 1890, *ibid.*, p. 301; and Noble to Sec. War, March 29, 1890, *ibid.*, p. 295.

¹⁹⁹ *Chron. of Okla.*, v, p. 75.

²⁰⁰ Cherokee Com. to the President, Jan. 9, 1892, *S. Ex. Docs.*, 52 Cong. 1 sess., v (2900), no. 56, p. 13. Morgan to Sec. Int., Aug. 27, 1892, *Indian Affairs*, 1892, p. 79.

²⁰¹ The memorial was presented to Congress on March 20, 1890. It was signed by Chief Mayes, John L. Adair and D. W. Bushyhead, but bears no date. It is in *S. Misc. Docs.*, 51 Cong. 1 sess., ii (2698), no. 109.

within the proposed Territory.²⁰² It was observed that the effect of the amendments would be to discredit the claim and title of the Cherokees to lands in the Outlet, invite aggression upon the lands, and that if the amendments were carried into acts of legislation they would be looked upon by the Cherokee nation as designed to enforce a sale of the lands at the terms and price demanded by the United States. The memorial stated that the Cherokee nation had at no time made any offer or suggestion for the disposal of the lands for general occupancy and settlement and that it was evident that the United States no longer desired to acquire the lands for the settlement of friendly Indians thereon. The memorialists insisted that if the government must have the lands, the purchase should be made without compulsion or coercion and a fair price paid for the same.

Had the Cherokees promptly accepted the offer of the Cherokee Commission to purchase their title or interest in and to the lands west of the Arkansas, they would have saved the Department of the Interior and congressional committees the task of probing an almost fathomless mass of rights, claims and interests in and to the lands. The Commission had tried to avoid the tangle.²⁰³ It was clear that the Cherokee title was overshadowed by the treaty of 1866. Once it was securely established that the Cherokee patent was legally sound and that the patentees had abandoned the Outlet, the lands would consequently revert to the United States and there would be little if any necessity of negotiating with the Cherokees.²⁰⁴ The question of title and rights in and to Cherokee lands west of ninety-six degrees involved treaties, legislation, and official communications going back for nearly a century together with conflicting court decisions. It is little wonder that Commissioner Thomas J. Morgan should conclude that the Cherokees had a perfect title to lands in the Outlet and that

²⁰² Senate Bill 895, *Cong. Record* (Dec. 9, 1889), 51 Cong. 1 sess., p. 123.

²⁰³ In their first letter to the National Council the Commission said that the offer of the government was made intentionally to prevent at that time any discussion or question of the title to the soil or fee of the Outlet. They said that in considering the offer they hoped that no discussion of the title would be expected from them. Letter of Nov. 14, 1889, OIA., *Misc. Documents*, p. 20934.

²⁰⁴ See p. 43 above.

Secretary Noble should consider that they had only an easement in the lands; that the latter should charge the former with falling into "many errors of law and fact" and that the Commissioner should reply to his chief in a letter of twenty pages maintaining that he had not done so.

Various views regarding the validity of the Cherokee title may be briefly noted. In 1882 Secretary Kirkwood considered that the Cherokees had a fee simple title to the Outlet prior to 1866. In a letter of February 28 he said in regard to the Comanche and Kiowa treaty of 1865: "The United States, by that treaty, undertook to set apart for the Kiowas and Comanches a part of the Cherokee lands to which the United States had then no title, and which the Cherokees at that date owned in fee simple. Of course the Kiowas and Comanches took nothing under that treaty, because the United States had nothing to give."²⁰⁵ So completely did he consider that the title after 1866 remained in the Cherokees that he questioned whether the United States had secured the right to grant other Indians permission to hunt in the Outlet, if disconnected from settlement and occupation.

Nor was Secretary Teller disposed to disagree with his predecessor in regard to the title of the Cherokees. He wrote: "Under the decisions of the courts as to the title to which they hold their lands, and the guarantee pledged them by the United States in the 16th article of the treaty of 1866, can any one question or doubt their right to make such disposition of the grass growing on their lands as they have made, whether it is called a lease, license, or permit? The land is theirs and they have an undoubted right to use it in any way that a white man would use it with the same character of title, and an attempt to deprive the nation of the right would be in direct conflict with the treaty as well as the plain words of the patent. They are quite capable of determining, without the aid of the Interior Department or Congress,

²⁰⁵Kirkwood to the President, Feb. 28, 1882, *H. Ex. Docs.*, 47 Cong. 2 sess., xix(2108), no. 54, pp. 5-7.

On February 17, 1882 Commissioner Price stated that so far as the Comanche and Kiowa treaty of 1865 related to the cession of Cherokee lands, it was void, for the reason that "all the title of the United States had passed by the Cherokee treaty of 1833." Price to Sec. Int., *ibid.*, pp. 35-39.

what is to their advantage or disadvantage, and the Government cannot interfere with their rightful use and occupation of their lands, which are as rightfully theirs as the public domain is that of the United States, subject only to the provisions of article 16 of the treaty of 1866, which at most is only a contract to sell certain portions of the land; but until the Government settles friendly Indians thereon and pays for the land the right of possession and occupancy is especially reserved."²⁰⁶ Teller held that the Cherokees had a fee simple title to their lands and that the article referred to did not change or modify their title or vest any title in the United States to the lands west of ninety-six degrees. He said that it simply gave the United States the right, with certain conditions to follow, to settle friendly Indians in that country.

The chief decisions of the courts are worthy of notice. In 1872 the Supreme Court of the United States said in regard to the abandonment clause in the Cherokee patent: "Strong doubts are entertained whether that condition in the patent is valid, as it was not authorized by the treaty under which it was issued. By the treaty the United States covenanted and agreed to convey the lands in fee-simple title, and it may well be held that if that condition reduces the estate conveyed to less than a fee, it is void."²⁰⁷ The court found that the Cherokee treaty of 1835 was not made in virtue of the Act of May 28, 1830, but was made under the treaty-making power vested by the Constitution in the President and Senate. It is to be regretted by students of Oklahoma history that an extensive inquiry concerning the title or interest of the Cherokee nation in and to the lands of the Outlet was never made by the Supreme Court. However, in 1890, when considering the question of the right of eminent domain regarding lands in the

²⁰⁶ Letter to the President pro tempore of Senate, Jan. 3, 1885, *Cong. Record*, 50 Cong. 2 sess., pp. 2599-2601. Teller was probably influenced by the annual report made by Commissioner Price a few months earlier. Price said: "There is no general cession of these lands to the United States, no surrender by the Cherokees of possession or jurisdiction, until such time as a certain specified purchaser shall have complied with the terms of the purchase and entered into possession. Until that event happens the United States is bound by the terms of the treaty to protect the Cherokees in their possessory rights to the lands in question." Report of Oct. 15, 1884, *Indian Affairs*, 1884, p. 33.

²⁰⁷ Holden v. Joy, 17 Wallace 250.

Outlet, the court said: "The fact that the Cherokee Nation holds these lands in fee simple under patents from the United States, is of no consequence in the present discussion."²⁰⁸

In 1879 Judge Isaac C. Parker of the United States circuit court for the western district of Arkansas held that lands situated and lying in the Cherokee nation, whereon certain depredations had been committed, were not lands of the United States in the sense of the language used in Section 5388 of the Revised Statutes of the United States.²⁰⁹ In his opinion, the Cherokee treaty of 1833 was broad enough in its terms to convey a fee simple title to the lands, and there was no limitation to the title conveyed by the United States under the treaty. He said that if the treaty were inconsistent with the act of May 28, 1830, it repealed so much of it as was inconsistent. He stated that if the lands had already been ceded to the Cherokees forever by the treaty of 1833, then the agreement by the United States, by the treaty of 1835, to give them a patent for those lands, according to the provisions of the act of 1830, was a mere *nudum pactum*. He considered such an agreement by the United States as an attempt to place a restriction upon a title which had already passed, and which according to the treaty of 1833 was to be evidenced by patent. In his view the Cherokee title was a base, qualified or determinable fee,²¹⁰ with only a possibility of reversion, and not the right of reversion in the United States; and all the estate was in the Cherokee nation.²¹¹ He noted that the Cherokees were not likely to become extinct and had no intention of abandoning the lands then occupied by them. He set forth the doctrine that Congress had no constitutional right to interfere with rights under treaties, except in cases purely political. This doctrine however would not apply to the

²⁰⁸ Cherokee Nation v. Southern Kansas Railway Company, 135 U. S. 656. Note the route of the Southern Kansas Railway through the Outlet in 1889 as shown on the map in *S. Ex. Docs.*, 51 Cong. 1 sess., ix (2686), no. 78, facing p. 32.

²⁰⁹ United States v. Reese, 27 Fed. Cases 742.

²¹⁰ The owner of a determinable fee has all the rights of an owner in fee simple; and the event named as terminating the estate is such that it may by possibility never happen at all. See H. T. Tiffany, *The Law of Real Property* (2nd ed.), i, pp. 334-336. Cf. definition in *Jordan v. Goldman*, 1 Oklahoma, 406. (1891).

²¹¹ In 1888 this view in regard to the Cherokee title to the Outlet was expressed by Parker in *Cherokee Nation v. Southern Kansas Railway Company*, 33 Fed. 905.

Cherokee lands west of ninety-six degrees because of the Cherokee treaty of 1866.

In this opinion Parker may have had reference chiefly to Cherokee lands not in the Outlet; but no doubt exists as to what he meant when he dealt with the subject of Cherokee lands six years later. In 1885 he stated that the Cherokees held all their lands by substantially the same kind of title,²¹² the only difference being that the Outlet was incumbered with the stipulation that the United States was to permit other tribes to get salt on the Salt Plains. "With this exception," said Parker, "the title of the Cherokee Nation to the Outlet is just as fixed, certain, extensive, and perpetual as the title to any of their lands." He held that the subjection of the lands of the Outlet to the will of the tribe satisfied the requirement of the occupation clause as used in the act²¹³ of January 6, 1883, since actual residence of the Cherokee nation on the lands would be an impossibility and an absurdity. The "plain meaning" of article sixteen of the treaty of 1866, as he understood it, was that when the United States should desire any of the Outlet for the settlement of friendly Indians on the same, that the Cherokees would sell the same to such Indians, and make title in fee-simple to them for the same, the purchase price to be paid by them, or the government for them, to the Cherokees.

In an opinion the next year Parker stated that the title to the Outlet was fully and completely in the Cherokee nation, and until they agreed to part with the same, it could not be taken from them.²¹⁴ He said that the Cheyenne and Arapahoe treaty of 1867 had never been consummated, as the Cheyennes and Arapahoes never occupied the lands set apart by the treaty. He added: "They have no just claim to it, and it still belongs to the Cherokees." In

²¹² *United States v. Rogers*, 23 Fed. 658. Acting Commissioner Belt did not regard this statement as having any bearing upon the right reserved to the United States with regard to the Outlet by the provisions of the treaty of 1866. Belt to Sec. Int., Oct. 15, 1889, OIA., *L. Letter Book* 190, p. 232.

²¹³ The act provided that all that part of the Indian Territory lying north of the Canadian, and east of Texas and the one hundredth meridian, not set apart and occupied by the Cherokee, Creek, and Seminole tribes, should be annexed to and constitute a part of the United States judicial district of Kansas—22 *Statutes*, 400.

²¹⁴ *In Re Wolf*, 27 Fed. 606 (1886). See also pp. 207-208 above.

regard to the act of May 29, 1872 which referred to the Cherokee lands west of the land of the Osage Indians as "ceded" to the United States for the settlement of friendly Indians, and in regard to the subsequent appraisal made by President Hayes, Parker said that the Cherokees by the treaty of 1866 "ceded no lands to the United States west of the ninety-sixth degree. They only consented the United States might settle friendly Indians on the land west of the ninety-sixth degree, and agreed to cede, not to the United States, but to the friendly Indians when they went on the land. Under this law the President had no right to appraise any land except what had been sold to the friendly Indians by the Cherokees. The appraisement by him of any other lands took away no rights from the Cherokees, and gave none to the United States."

In 1887 Judge David J. Brewer of the United States circuit court, district of Kansas, found the Cherokee title to the Outlet of less importance than set forth in the opinions by Parker.²¹⁵ He referred to the treaties of 1828 and 1833, and observed that no distinction was made in the granting clause of the patent between the seven million acre tract and the outlet west. He stated that manifestly Congress had set apart the seven million acre tract as a home for the Cherokees. "Beyond that," he said, "the guarantee was of an outlet,—not territory for residence, but for passage ground over which the Cherokees might pass to all the unoccupied domains west. But while the exclusive right to this outlet was guaranteed, while patent was issued conveying this outlet, it was described and intended obviously as an outlet, and not as a home." Brewer held that the Outlet was not territory, within the language of the act of January 6, 1883, "occupied" by the Cherokee tribe. He said however that in a certain sense the Outlet was occupied by the Cherokee nation because they had a title and right to possess it.

The question of the right of the Cherokees to settle on the lands of the Outlet was one of growing interest. In 1879 J. M. Bell and his colony, including a half dozen persons who claimed

²¹⁵ *United States v. Soule*, 30 Fed. 918. Brewer avoided as far as possible the question of the rights of property which the Cherokees had in the Outlet.

to be Cherokees, were removed by the military²¹⁶ from their settlement on Chikaskia River, not far from the present site of Blackwell, because Cherokee lands west of ninety-six degrees were not considered subject to settlement except in the manner prescribed in the Cherokee treaty of 1866.

Commissioner Hayt stated that the Cherokees had no right to settle upon Cherokee lands west of the ninety-sixth meridian, without first obtaining the consent of the Cherokee national authorities, and then only upon those lands which had not been set apart by the government to other Indians under the provisions of article 16 of the Cherokee treaty of 1866. He also noted that Indians who might locate upon said lands with such consent were still within the jurisdiction²¹⁷ of the Cherokee nation, and subject to its laws, and that they could acquire no title to said lands which would prevent the government of the United States, whenever it might deem proper so to do, from settling Indian tribes thereon in accordance with the terms of the treaty above mentioned.

Attorney-General Charles Devens, more severe than Hayt, held that the Cherokee nation had no right to settle its citizens on those lands so long as the privilege acquired by the United States to settle tribes of friendly Indians thereon existed; and that no person attempting a settlement on the lands could justify under any authority given by the Cherokee nation.²¹⁸ He considered it the duty of that nation to prevent such settlement since it was interested in obtaining payment for lands on which the United States should settle friendly Indians.

On February 9, 1887 J. M. Bryan, "Old Settler" Cherokee Commissioner, wrote to Commissioner Atkins as follows: "For the in-

²¹⁶ Sec. of War to President pro tempore of U. S. Senate, June 17, 1879, *S. Ex. Docs.*, 46 Cong. 1 sess., i(1869), no. 29. Eight white persons in the colony were also removed.

²¹⁷ E. A. Hayt to W. H. Whiteman, June 26, 1879, OIA, *Large Letter Book* 147, p. 428. Hayt advised that the owner whose stock strayed into the Outlet should apply to the proper Cherokee authorities for permission to enter and remove his stock; Hayt to J. A. Garfield, June 26, 1879, *ibid.*, p. 427.

²¹⁸ Opinion of Feb. 25, 1880, 16 Opinions 470. Chief Mayes said the opinion was "a poor pretext to attempt to take possession of our country."

formation of Some of the citizens of the Cherokee Nation, I respectfully ask, if they could Safely Settle on the Cherokee Strip West of 96th longitude; there are quite a number [who] would like to move out West, Provided it would not interfere with [the] Cherokee Treaty [of] 1866.”²¹⁹ Atkins replied that because of the treaty they had “no right to settle on land west of the 96°.”²²⁰

However a few Cherokee settlers were already in the Outlet. In 1889 John W. Jordan stated that he and twenty others were residing there “in good faith on Cherokee land.” He said they had good farms opened and had labored hard seven years to make them. Some of the farms contained a hundred acres or more. On June 22 Acting Commissioner Belt directed that the Cherokee authorities be advised of Jordan’s location to the end that they might take proper steps for his immediate removal, since Cherokees had no right to locate farms in any part of the Outlet.²²¹ “With the principle of American independence and the love of my family in my heart,” said Jordan, “I am compelled to refuse to surrender my house and sacred rights to an unjust cause. We own the land by the strongest title on earth and have strong treaty guarantee of possession and jurisdiction until sold.”²²²

Chief Mayes was not disposed to lift up his hand against his countryman. He believed that Jordan should be permitted to remain upon the lands, subject to removal in case the United States needed the lands for settlement of friendly Indians. He said that it was a strange request to make of the Cherokee authorities, to remove as an intruder or as an unlawful resident of the country, a Cherokee Indian from lands which he owned in common with others by a fee simple title and had owned peaceably for over half a century.²²³ He maintained that the Cherokee title was in no wise compromised by the privilege granted the United States in the treaty of 1866; that it remained the same as before the privilege was granted, by reason of retained possession and jurisdiction.

²¹⁹ OIA., *Special Case 12*, no. 3772-1887.

²²⁰ Atkins to Bryan, March 2, 1887, OIA., *L. Letter Book* 156, p. 453.

²²¹ Belt to Agent Bennet, June 22, 1889, OIA., *L. Letter Book*, 186, pp. 197-198.

²²² Jordan to Bennet, July 17, 1889, OIA., 6227 Ind. Div. 1889.

²²³ Mayes to Com. Ind. Aff., July 23, 1889, *ibid.*

He held that the right of the United States to settle friendly Indians on the lands was merely a contingency to be exercised only when it was the policy of the government to put it to use. If there was to be a removal he believed it should begin with "a lot of lawless trespassers that the Cherokees have been cursed with for years." The Chief said plainly that he would not remove Jordan from "his own soil,"²²⁴ and Belt accordingly recommended that the matter be referred to the Secretary of War with the request that proper military officers be directed to cause him and his fellow settlers, with their movable property, to be removed from the Outlet within a reasonable time.²²⁵ Thus the Cherokees could not settle on the lands,²²⁶ lease or sell them to any party except the United States or with the consent of the government. Of what more value could the lands be to them than an Outlet in Africa?

Such were the points subject to argument when the Cherokee Commission resumed its labors in 1890.²²⁷ The Commission could do nothing with the Cherokees at Tahlequah until the Chief should call the National Council in special session,²²⁸ or until it convened in November. So Chairman Jerome did not promptly buck the line that had held firmly against two attempts of the Commission under the leadership of the one-armed veteran from Madison; he was able to begin with an easier task. And during the spring, summer, and autumn the Commission made a total of five agreements with the Iowas, Sacs and Foxes, Pottawatomies and Absentee Shawnees, and the Cheyennes and Arapahoes. Success-

²²⁴ Mayes to Bennet, Aug. 28, 1889, *ibid.*

²²⁵ Belt to Sec. Int., Oct. 15, 1889, OIA., L. Letter Book 190, p. 233.

²²⁶ Prospective white settlers remained vigilant. On May 28, 1890 L. J. Hall of Stillwater wrote to the Secretary of the Interior: "Will the cherokee Sitizens be aloud to colonize and Settle up the best part of the land Known as the Outlet in preference to white Settlers, as they are organizen for the purpose of taking up the best parts of the country for a Speculation. the time is Set for the 22 of June for them to settle as they have all ready located their parts." OIA., L. 17176-1890.

²²⁷ The Territorial Act of May 2, 1890, provided that whenever the interest of the Cherokees in the Outlet should be extinguished the Outlet should become a part of Oklahoma Territory. 26 *Statutes*, 82.

²²⁸ Sayre to Noble, April 30, 1890, OIA., 2916 Ind. Div. 1890.

ful negotiations with the Cherokees²²⁹ would have closed the year remarkably well, whereas failure with them would leave the Commission a cap of at least five feathers.

Attention may be turned momentarily to the ranchmen who, like the Cherokees, were fighting a losing battle. On August 30 Secretary Noble wrote to the Commissioner of Indian Affairs that the President "has instructed me that no change will be made in the date required for the removal of the cattle from the Cherokee Outlet; all questions involved have heretofore been determined, so far as the Executive is concerned."²³⁰ After an interview with Noble a few days later Jerome and Sayre left with him a memorandum²³¹ saying in part: "The order requiring cattle to be removed from Indian reservations, and especially from the Cherokee Outlet, must not be extended, modified or in any manner changed. If that should be done it would bring discredit and distrust upon the Commission attempting to extinguish Indian titles in the Indian Territory. Because in contracts that have been made, an inducement thereto has been the declaration by the Commission to the Indians that that order was final and revenue from that source would forever cease. It would obstruct our future attempts at negotiation because the Indians would believe that the government had no fixed purpose in relation to that subject; and that after awhile they would be restored fully to the old order of things. There is and can be no substantial reason why every hoof there rightfully under the President's proclamation cannot be removed by October 1st proximo without injury or loss to anyone. It is setting up comparatively small personal rights against a great public enterprise. All men, there in good faith and by fair dealing, expect to go and have provided for it. Those that have not done so have not only negligently but wilfully put themselves in that condition, so that a change will be paying a premium to those who

²²⁹ The Indian appropriation act for 1891, approved August 19, 1890, provided \$20,000 to enable the Secretary of the Interior to continue the Commission. No offer to the Cherokees was specified. 26 *Statutes*, 356. The Indian appropriation acts for 1892, 1893, and 1894 each provided \$15,000 to enable the Secretary to continue the Commission. *Ibid.*, p. 1008; 27 *Statutes*, 138, 633.

²³⁰ Letter of Aug. 30, 1890, OIA., *Record of Letters Sent*, No. 67, p. 37.

²³¹ The memorandum dated Sept. 4, 1890, is in OIA., 6075 Ind. Div. 1890.

have disobeyed the law and will visit a severe penalty upon those who in good faith have obeyed it." The Commission was advised that the time for the removal of cattle from the Indian Territory would not be extended.²³²

While Jerome and Sayre were submitting the memorandum, a proposition consisting of one sentence was addressed to the President from Caldwell, Kansas. It read: "We, the undersigned members of the Cherokee Strip Live Stock Association, and others holding cattle on the Cherokee Strip, hereby pledge ourselves and agree that if the order for removal from said Strip be extended from Oct. 1st, to Dec. 1st, 1890, that we will by, or before Nov. 1st, 1890, remove one half of our cattle from the Strip, and all the remaining part of the cattle, together with all our employees and all property that may be thereon, entirely abandoning all claims upon the Strip by the 1st day of December, 1890."²³³ A proclamation was prepared extending the time for removal as specified in the proposition. The proclamation stated that it had been presented to the President that by reason of the drought which had prevailed in the Indian Territory and in the adjoining States that the execution of the proclamation of February 17 would work great hardship and loss, not only to the owners of cattle herded upon the Outlet, but to owners of cattle in the adjoining States. On September 18 Assistant Secretary Chandler transmitted the proclamation to President Harrison who signed it the following day.²³⁴

²³² Noble to the President, Sept. 5, 1890, OIA., *Record of Letters Sent*, No. 67, p. 133.

²³³ The proposition is dated Sept. 4, 1890 and is in OIA., 5968 Ind. Div. 1890. It bears the seal of the Association, the signatures of President E. M. Hewins, Secretary John A. Blair, and the signatures of fifty-nine other persons or firms. President Harrison demanded a written personal pledge of all owners of cattle herded upon the Outlet as a condition for extending the time to December 1. Telegram by E. W. Halford to Sec. Int., Sept. 9, 1890, OIA., 5897 Ind. Div. 1890. In regard to the compliance of the cattlemen, see OIA., 5896 Ind. Div. 1890; 6089 Ind. Div. 1890. They claimed to own from 135,000 to 200,000 cattle.

²³⁴ See proclamation of September 19, 1890, *Messages and Papers of the Presidents*, ix, 99-100.

Samuel J. Crawford and Matthew G. Reynolds, attorneys for the Cheyennes and Arapahoes, thought that their clients had a good title to about five million acres of land in the Cherokee Outlet. It appears that they prepared two copies of a bill providing that the case be sent to the courts for settlement. Jerome and Sayre said in part: "It gives the Cherokees the opportunity they long have sought, to get the question of the title to the Outlet into the Courts, for it requires the Cherokee Nation to be made a party defendant to the petition. It also gives the

Under date of October 8 Acting Commissioner Belt issued a public notice²³⁵ whereby the order of March 29 of that year relative to the removal of cattle and other live stock held on Indian lands in the Indian Territory was modified so as to extend the time of removal to November 15, as to one half of the cattle and other live stock, and to December 1 as to the residue thereof. Under orders from the War Department, dated December 31, troops and Indian scouts proceeded to the Outlet and removed "divers and sundry persons" resident or being there; some cattle were also removed.²³⁶

The next article of this series tells the story of how the Cherokees, being deprived of the benefit of the lands of the Outlet by the government, conceded to a sale of the lands on December 19, 1891.²³⁷

cattle-men their opportunity to test in the Courts the validity of their leases and their occupancy." Letter to Noble, Oct. 4, 1890, OIA., 7485 Ind. Div. 1890.

On September 18, the day before the proclamation was issued, Preston B. Plum of Kansas introduced the bill in the Senate, and Edmund N. Morrill of the same state introduced it in the House of Representatives. Senate Bill 4408, *Cong. Record*, 51 Cong. 1 sess., p. 10186; House Bill 12086, *ibid.*, p. 10206.

²³⁵ Notice of October 8, 1890, *H. Ex. Docs.*, 52 Cong. 1 sess., xxxvii (2957), no. 265, pp. 16-17.

²³⁶ The removal of cattle by cattlemen is noted in the report of Bennett to Com. Ind. Aff., Sept. 10, 1890, *Indian Affairs* 1890, p. 101. On July 2, 1891, Jacob Guthrie, who claimed to be a Cherokee citizen by blood and a resident on the Outlet for eight years, applied to the district court of Kingfisher county for a perpetual injunction to prevent the removal of three thousand cattle he had grazing in the Outlet. The injunction was denied July 6. *Guthrie v. Hall*, 1 Oklahoma 454; "Against the Cherokees", *St. Louis Globe-Democrat*, July 7, 1891, p. 4. The military were then in the vicinity of Guthrie's ranch.

On July 28 an article appeared in the *Daily Oklahoma State Capital* to the effect that the poor man and his half-dozen steers were promptly ejected while the rich man and his herd were allowed to remain unmolested. The editor prescribed an effective remedy to end grazing in the Outlet. "Let the government kill their cattle," he said.

According to Sam P. Ridings, after the cattle were ordered out of the Cherokee Outlet, "the luxuriant grass over this entire country simply grew, was burned in the fall, and did no one any good. At this time cattle were so cheap that no one cared much what happened to them. Persons in Kansas, near the Kansas-Indian Territory line, drove their cattle into the Outlet and pastured them until the time the country was ordered opened for settlement." *The Chisholm Trail*, pp. 255-256; see also p. 271.

²³⁷ Dr. Berlin B. Chapman is professor of Economics at the Fairmont State Teachers College, Fairmont, West Virginia. He was Assistant Professor of History at Oklahoma A. and M. College, 1927-30. Parts One, Two, and Three of this series of articles appeared in *The Chronicles of Oklahoma*, vol. XV.

ADDRESS

By Thomas H. Doyle

Mr. President, your Excellency Governor Marland, Mr. Moss Patterson, representing donor, Mr. Frank Phillips, honored guests, ladies and gentlemen:

This is an occasion on which the best emotions of the human heart are inspired, and on which sentiments most highly honorable to the human character are called to mind. You have assembled today to pay honor to the memory of two of our country's illustrious and heroic dead. This day and hour the State of Oklahoma unveils to the world bronze portrait busts of Will Rogers and Wiley Post, her two most famous sons, whose great deeds, well done, and achievements of high renown in the advancement of civilization adorn the pages of our country's history.

We do honor to ourselves in dedicating these appropriate memorials to their memory.

All civilized and semi-civilized peoples have made the effort to perpetuate in some tangible form the memory of their great and noble dead.

This memorial is sometimes a mausoleum, sometimes a bronze or marble tablet, and sometimes a statue in stone or metal. Often however, it is a portrait bust in marble or monumental bronze.

The influences of the illustrious dead are always active in the affairs of the world and the wish has been strong in every age to perpetuate their form and features and to transmit them to posterity.

It is the singular province of art to break down the limitations which separate the generations of men from each other and allow those of past generations to be comrades and associates of those now living.

In this field, the sculptor and the painter have ever been rival laborers, and the museums of the world contain their famous

efforts to represent important events in human history, and to preserve the forms and true features of the greatest and best of the world's memorable men.

The Congress of the United States, appreciating the historical value to future generations by the collection of statues of those prominent in history, has provided that each State of the Union could place in Statuary Hall, two statues in honor of those two of her citizens whom it might deem most worthy of the distinguished honor.

The Nation's capitol is enriched with monuments, statues, and busts, commemorating the valor and heroic deeds of soldiers and the illustrious names of statesmen, publicists, scientists, and others who did great deeds for their country and their countrymen.

It is acknowledged to be one of the best methods for the diffusion of knowledge among men.

States are not great except as men may make them.

No state in the Union has progressed so rapidly in all that pertains to civilization as has our own beloved Oklahoma.

A state can perform no more graceful act than to make public record of the deeds and accomplishments of its famous sons.

The Oklahoma Historical Society is distinctively a State Institution, organized for the purpose of assisting the state to perform its recognized duties in the fields of history. Its collections, library and other possessions are public property, freely accessible to all under such restrictions as are necessary to insure their preservation.

The Society owes its origin to the Oklahoma Press Association, at its annual meeting held at Kingfisher on May 27, 1893.

The Act making the Oklahoma Historical Society the trustee of Oklahoma Territory was approved by Governor Renfrow, February 21, 1895.

Under Section 2, Schedule of the State Constitution, it evolved as the trustee in perpetuity of the State.

The Society blazed the path in collecting historical manuscripts and materials that should remain in Oklahoma to be accessible to her people and to the students of her history.

The work that the society is doing is worthy of the sympathy and aid of every Oklahoman who is interested in the past, present, and future of our great State; and in doing its work the watchwords of the Society are Truth, Honor, and Patriotism, and we feel and know what the influence and inspiration of those words mean.

Many of the incidents of Oklahoma history are epic in their proportions.

That the future generations of our people may know the splendid story of Oklahoma as we know it, let us hope that some of the more prosperous men of the State will actively co-operate in its development here as elsewhere in other states, by beneficent contributions to the Society's collections.

One great advantage of tangible memorials, especially the statue and the portrait bust, over the printed page is that the former are seen and understood by all, while the pages of history are turned only by students and by those who have a certain degree of education and interest.

It is well then that the lives of the great and noble dead be cherished and their noble deeds recorded by inscriptions for the public eye, and by likeness in monumental bronze.

These exquisite works of art, bronze portrait busts of Oklahoma's most famous sons, are the likeness, our people desired to preserve for themselves and for the oncoming generations, and in this beautiful Temple of History they will ever serve as an inspiration to the youth of the land who will visit these marble halls, and muse in these corridors, "to dream, to dare and to do."

That which makes a state is the character of its citizens. One of the strongest influences in the molding of character is the example of the heroes of the past. Preservation of the history of those who helped to make and mould the nation and the state

is, therefore, essential to the maintenance of patriotism and to pride of State.

Credit then must be given to the impressive influences of enduring memorials placed in our state houses and in our parks, commemorating the worthy deeds of our distinguished dead.

It is then a direct benefit to the State and aid to good government and to the realization of the highest civic ideals to place where all can see, memorials reciting the virtues and the heroic deeds of distinguished citizens, whose splendid achievements are the inspiration of our youth to give also of their best, in patriotic effort; to make our country great in the character of its citizens, great in accomplishment of high ideals, and great in the enjoyment by all of the blessings of liberty.

It is patriotic to be proud of your State. The glory of a state consists in the achievement of her sons and daughters.

Long and glorious is the roll of names which imperial Oklahoma has written on the pages of her history; men who have been brave and valiant in battle; men who have been wise in the councils of the nation, and men who have been incorruptible in performance of public duty, men whose names stand for courage, duty, and heroism, and foremost above all others are the illustrious names of our distinguished dead, which these memorials so appropriately commemorate. Will Rogers and Wiley Post, illustrious for their historic renown, and distinguished in civic services.

These two men, native sons of Oklahoma, most justly deserve that this honor should be conferred to their memory. Two immortals:

“Whose works shall last,
Whose names shall shine as the stars on high,
When deep in the dust of a ruined past,
The labors of selfish souls shall lie.”

So much has been said of those whose features these bronze busts are designed to perpetuate that I will not detain you in re-

calling their great deeds known to all. Others have told you to-day and others will tell of their eminent services to their country.

I am proud to recall the pleasure of my acquaintance with Will Rogers in his early manhood, and will only say, that in his person and character, he was the incarnation of every trait and attribute that has made the name "American" a glory to our people.

Well may Oklahoma be proud of:

"One of the few, the immortal names,
That were not born to die."

I regret not to have had the pleasure of knowing Wiley Post.

When by a tragic accident their famous careers ended they went down to the grave mourned by the civilized world.

Their lives were well worth the living, and when they died they left their best and truest monuments in the hearts and in the memories of their countrymen. They died carrying on, which calls to mind the lines:

"To live with fame,
The Gods allow to many, but to die
With equal lustre is a blessing Heaven
Selects from all her choicest boons of fate,
And, with a sparing hand, on few bestows."

Wiley Post unaided by the fortuitous circumstances which sometimes lend success to many, commenced his high career. You know his deeds and his fame. His place is foremost among the aviation heroes of history. He was the first to circle the globe; his next great exploit was flying alone around the world. Starting out the third time to accomplish the feat in company with Will Rogers, they met their tragic end on the desolate wastes of Alaska.

His death in the wreck of his air ship, makes mindful the lines:

“So the struck eagle,
Stretched upon the plain,
No more 'mid rolling clouds
To soar again,
Viewed his own feather
On the fatal dart
Which winged the shaft
That quivered in his heart;
While the same plumage
That had warmed his nest
Drank the last life-drop
From his quivering breast.”

The dedication of enduring memorials in grateful recognition of the eminent services of great and noble men inspires others to brave deeds and sacrifices and perpetuates the history of such men and their achievements.

Within this shrine of imperishable stone these magnificent memorials will ever be preserved by our society, and shall commemorate through the coming ages the patriotism and distinguished services to their country of Oklahoma's two most famous sons, as a remembrance of their great deeds and achievements. They will also ever remain as mementoes of the beneficence, patriotism, public spirit and high character of the donor, Mr. Frank Phillips, and of the gratitude and thankful appreciation of all the people of our State for these munificent gifts.

I now have the pleasure to accept in behalf of our State and in behalf of our Society, these bronze portrait busts as memorials of our great and noble dead.

But I shall have only half performed my duty did I fail again to express and extend to Mr. Frank Phillips, our beneficent donor, and to Mr. Moss Patterson, his representative, the profound thanks of the People of Oklahoma and of our Society, which in part, I have the honor to represent.¹

¹ This address was delivered in the auditorium of the Oklahoma Historical Society Building upon the presentation of the busts of Will Rogers and Wiley Post, February 13, 1938, to the Oklahoma Historical Society. Judge Thomas H. Doyle is a member of the State Criminal Court of Appeals.

A BRIEF HISTORY OF THE RED RIVER COUNTRY SINCE 1803

By

Emma Estill Harbour

INTRODUCTION

The purpose of this history is to give to the reader an adequate knowledge of the history of the Red River Country, as well as the relationship of this history to the great Southwest and to the United States; also to trace the growth and history from the Louisiana Purchase, in 1803, to the present day, with a background of Spanish and French explorations and settlements.

The historical significance and development of the Red River Country cannot be overestimated. From the explorations of Coronado in 1541, through the Oklahoma-Texas boundary question in 1921, the country has been the subject of international as well as national controversy. Into the Red River Valley, after the Louisiana Purchase, came the pioneer farmer, the adventurer, the trader, and the army. These people deserve the credit for the advancement of the Red River Country. The geographical conditions were excellent. The soil was very fertile, the natural resources were abundant, and a new agricultural era sprang up. Many new problems arose. The Five Civilized Tribes were moved to the West. The wild Indians objected, for it was their homes that were taken from them. This brought on wars, which afterwards moved the government to attempt to create a friendly feeling among the tribes.

The Red River was the highway of travel into the West. Because of the diplomacy of John Quincy Adams, the Treaty of 1819 between the United States and Spain made the south bank of the Red River the boundary line. As one of the eleven largest rivers in the United States, the Red River has always been considered of utmost value to the country. It was the great highway for

travelers northwest and southeast. The Spanish settlers realized the importance of the location of the Red River. The French of Louisiana considered it their highway to the northwest and a way to the Indian and Spanish settlements, where they sold and traded their goods. The immigrant considered it an avenue to enter the West where he might acquire a home and build up a new country. To the frontiersman the river was an outlet for his goods as well as an inlet for the entry of his friends. During the Civil War the river was a carrier between the trans-Mississippi states and the East for the Federal Government.

THE HISTORICAL BACKGROUND OF THE RED RIVER COUNTRY

The Red River is located in the southwestern part of the United States, flows in a southeastern direction, and enters the Mississippi at Red River landing in Louisiana.

Early reports differed on the length of the Red River. These estimates varied from one thousand to two thousand miles. For a conservative estimate, we may accept General Jadwin's report of 1926, "that the Red River has a drainage area of some 72,000 square miles, about 41,500 square miles of which lie west of Arkansas." There are about eighteen thousand square miles in the basin of the Ouachita system, a tributary of the Red River. Other tributaries of the Red River are the Black, Pease, Blue, Little River, North Fork of Red River, Sulphur, and the Kiamichi.

The Red River Valley is really divided into two parts; the upper being that part of the valley beyond Fulton, Arkansas; and the lower, that portion of the valley from Fulton to the mouth. The valley is in what is known as the interior coastal plain region. In some parts of the valley the rainfall is abundant, whereas in western Oklahoma and Texas the rainfall is very slight. For that reason the western region is devoted to grazing. In the valley are many large areas easily cultivated and there are also sandy regions covered with forests, which often yield valuable lumber. Because of the warm, moist climate of Louisiana the forests there are different from those of Oklahoma and Arkansas. There is a notice-

able change in crops and occupations along the Red River from Arkansas westward through Oklahoma and Texas.

The mountains of the Red River Country, which are not very high, are found mostly in Oklahoma. They are the Ouachitas, the Arbuckles, and the Wichitas. The alluvial bottom lands along Red River are several miles in width and have a soil so fertile that cotton grows too rank to yield the best fiber. The soil of the Red River bottoms is the richest in Louisiana and the paradise of cotton planters. From seventy to eighty-five per cent of the valley in Louisiana, Texas, Arkansas, and Oklahoma is in farms.

The Staked Plains, having an altitude of 4,000 feet, is a high level district lying west of the Central Basin. Red River crosses its northern part. After the Civil War the cattle business was the main industry, until the discovery of oil brought this part of Texas into prominence. However, the native grasses are well suited for grazing, and cattle-raising is an important industry of the Red River region.

The historical background of the Red River Country is very colorful because of the explorations of both the Spanish and French and the influence that both countries left on the southwest region.

The Spaniards were the first white people to enter the Red River Country. Upon the two expeditions of Coronado and De Soto, 1540-1543, Spain, in part, based her claim to the Red River Country. When Nunez Cabeza de Vaca made his appearance in Mexico in 1536, with definite news of a hitherto unknown North, he created a strong desire to explore that region; but nothing of importance was accomplished until 1539. In that year Fray Marcos, of Nice, with Estevan, the negro companion of Cabeza de Vaca, penetrated into southern Arizona and returned with glowing accounts of what he had seen. In 1540, Viceroy Don Antonio de Mendoza sent Francisco Vasquez de Coronado with an army of thirteen hundred Spaniards and Indians to explore the North. Coronado went up the west coast of Mexico to the present state of Arizona. He was disappointed in the country and sent expeditions to the west and east. The western expedition under Cardenas

discovered the Grand Canyon of the Colorado River, while the other brought back reports of the Rio Grande and Gran Quivira. Coronado camped at Tiguex, and in April, 1541, set out to explore and search for Cibola, guided by a friendly Indian, the "Turk." After they had traveled two hundred and fifty leagues from Tiguex without finding the rich cities, Coronado realized that they had been deceived by the "Turk." Without doubt Coronado saw the Red River in his journey across Texas and Oklahoma. His return journey took him southwest to New Mexico; hence, he passed north and west of the stream.

The eastern portion of the Red River Valley fell within the region of De Soto's expedition. Landing on the west coast of Florida in 1539, De Soto marched into the interior searching for the country of Cale. He went northeast to the Carolinas, southwest almost to the Gulf, and then northeast to the Mississippi, near where Memphis is today. He crossed the river and moved into Oklahoma, then followed down the Arkansas to its junction with the Mississippi, where he died in May, 1542. His lieutenant, Moscoso, set out overland for Mexico. Crossing the Arkansas, the expedition reached the Red River. They passed near the Salines of the Washita, where they supplied themselves with salt. Moscoso and this troop marched over seven hundred miles and, in so doing, traversed a considerable part of the valley of the Red River before they reached Mexico. Thus, Coronado and De Soto first made known the Red River Country.

The French sent out several expeditions to explore the Mississippi. La Salle was one of the leaders. He arrived at the mouth of the Red River on the 27th of March, 1682; then he proceeded south and discovered the mouth of the Mississippi and took possession for France. In 1684, La Salle returned from France to seek the Mississippi, but landed on the coast of Texas, where he established a fort on the Lavaca River. La Salle was killed in Texas. However, the establishment of the fort caused Spain to make a settlement on the Neches River in 1691. The next French explorers were Bienville and St. Denis, who visited the Natchitoches Indians on March 30, 1700. Bienville and St. Denis returned down

the Red River in canoes, being the first white men borne upon the bosom of the Red River.

St. Denis's reports of the Red River Country made La Mothe de Cadillac desirous of establishing trade with Mexico. In 1713, he sent St. Denis with goods to a presidio on the Rio Grande. St. Denis marked a trail, and Captain Don Ramon traveled along this route. Later it became known as the "King's Highway," and today it is known as the San Antonio Trail.

After the establishment of Natchitoches, French expansion continued up the Red River. Bernard de La Harpe obtained a concession on the Red River in 1718. He attempted to enter into trade with the Spanish but was ordered out of the country. He, refusing to get out, made his way to the Towakonis on the Canadian River, where he set up a post. La Harpe left the Towakonis and returned to New Orleans.

In 1718, the Brossart brothers brought out a colony from Lyons, France, to settle at Natchitoches. There were many others; and, as a result of French expansion on the Red River, the Spanish decided to occupy Texas.

Spain had erected in 1716 six struggling missions scattered from the Neches River to within a few miles of the Red. Thus, before the middle of the century, Spain regarded Texas as extending to the Red River, while one point of the eastern boundary was tentatively fixed a little west of the Red River at Arroyo Hondo and Gran Montana.

The French danger continued to disturb the Spanish. In 1752, as a result of the orders of a junta general, held in Mexico, Governor Barrios was ordered to investigate the Louisiana-Texas boundary and to expel the French from any territory they might have usurped. The French traders and official explorers, by 1754, were desirous of gaining New Mexico; but Spain and the Indian tribes were in their way. The Spanish decided not to expel the French from Natchitoches, since there was still some doubt as to whether the Red River or the Gran Montana was the boundary.

The northern Indians had long been managed by the French through the fur trade; and after the acquisition of Louisiana in 1763, Spain decided to put the Red River district in charge of Anthanase de Mezieres as Lieutenant-Governor of the Natchitoches district. This included the Red River Valley and adjacent parts of northern Texas, Arkansas, and Oklahoma. De Mezieres immediately began to create a friendly feeling between the Red River tribes and the Spaniards.

On the lower Red River were settlements of the French. The first to be seen on ascending the river was Avoyelles, whose settlers consisted of some French and some immigrants from the United States. Farther up was the town of Du Rapide, then Alexandria, and about four hundred miles from the mouth of Red River was Natchitoches, which was the principal settlement. Spain did not consider the country of much importance at this time and, therefore, allowed France to build the Fort of Natchitoches on the right bank of the Red River.

The purchase of Louisiana opened the question of boundary between the United States and Spain. Because the western limits of the Purchase were not defined, Jefferson thought the boundary should be established. The Spanish claimed that the western boundary of Louisiana was the Mississippi River as far north as the Red River. Spain made every effort she could to get information about the western boundary of Louisiana. When John Quincy Adams became Secretary of State in 1817, he found the most important issue to be the Louisiana boundary question. Onís, the Spanish minister to the United States, began negotiations with Adams. Proposals and counter proposals were made. Onís tried to get the north bank of the Red River as a boundary, but Adams held out for both banks of the Red River. Finally Onís accepted the terms, and the boundary of the Louisiana Purchase was settled by the Treaty of 1819, the treaty being ratified by Spain, February 22, 1821.

France and Spain were each trying to build a vast empire. The result is that their influence in the southwestern part of the United States is noticeable today.

THE EXPLORATION OF THE RED RIVER, 1803-1852

The Dunbar-Hunter expedition in 1804 was the first official exploration of the Red River Country after the Louisiana Purchase. This expedition was the result of a letter written by Dr. John Sibley in 1803 and printed in Raleigh, North Carolina. In this letter he gave a very glowing description of the land and fertile soil. Dr. Sibley had settled in Natchez in 1802 and had obtained permission from the Spanish authorities to travel in Louisiana. In 1804, President Jefferson appointed him surgeon's mate for troops at Natchitoches. In 1805, the War Department appointed him Indian Agent for the Orleans Territory under Claiborne. It was in this capacity that Dr. Sibley proved himself highly efficient in furnishing geographical and ethnological data concerning the lower valley of the Red River. On his explorations he had gained much information from the French people about the channel of Red River and the land on both sides.

An expedition known as the "Exploring Expedition of Red River," consisting of Captain Sparks, Dr. Custis, Mr. Freeman, and several soldiers embarked in April, 1806, with orders to ascend Red River to its source. They arrived at Natchitoches on May 19. They left the river about one hundred miles above Natchitoches, to avoid the Great Raft, through which, they were told, it would be impossible for them to pass. The expedition, having had some trouble with the Spaniards, turned back about six hundred and thirty-five miles above the mouth of the Red River.

In the same year, 1806, General Wilkinson, Commander-in-Chief of the United States army, commissioned Lieutenant Zebulon Pike to explore the sources of the Red River with a view of defining the water-shed that divided Louisiana from the United States. Pike and his men, while searching for the source of the Red River, were taken prisoners by the Spaniards for having erected a fort upon the Rio Grande del Norte. They were taken to Chihuahua and later deported by way of Texas. Pike did not discover the true position of the Red River, but did give the geographical position of the source of the Red River.

Major Stephen H. Long commanded an expedition which, in 1817, explored the southern part of Arkansas, as well as the Louisiana border of the Red River. The object of the expedition was to select a position for a military post on the Arkansas River, near where the Osage line strikes the river. In 1819, Major Long was sent in charge of an expedition to the Rocky Mountains to explore the head waters of the Arkansas and Red Rivers.

In the same year Major Bradford and a company of soldiers were sent out from Fort Smith by the government with orders to remove all white residents from the territory of the Osages. Thomas Nuttall, an English botanist, accompanied the expedition. Nuttall in his journal gives in detail the route they took and describes the great plains of the Red River and the swampy country they crossed. He said, "Nothing could exceed the beauty of the plains of Red River" and that "the flowers were of unusual brilliancy."

Up to 1852 there is no record that any traveler had reached the sources of the Red River, or that the country upon the headwaters of that stream had been explored. For that reason, the expedition of Captain R. B. Marcy was the most significant. In his report to the Secretary of War, Marcy covered in detail his expedition. He described the various Indian tribes and villages, the climate and soil, the beautiful scenery, the Llano Estacado, the discovery of the North Branch of the Red River, together with the story of their navigation of the Red River, and finally their success in locating the source of that stream.

INDIAN REMOVALS AND RELATIONS

The early explorers of the Red River Country found that the country was frequented by numerous tribes. These had been pushed farther and farther west as eastern Indians and white settlers had encroached upon them. Among these tribes were the Quapaws, Kiowas, Comanches, Wichitas, Wacos, Choctaws, Panis, and Natchitoches. Some of the Indians were friendly and hospitable, while others who were very war-like resented the presence

of the white man in their country. A few tribes had certain lands they claimed as their own.

After the Louisiana Purchase, President Jefferson sent out a number of expeditions to the territory. One important object of all these expeditions was to conciliate the numerous tribes of Indians then inhabiting the country and to establish amicable relations with those in the immediate vicinity of the frontier settlements.

The difficulties confronting the Federal Government in its efforts to settle the eastern Indians west of the Mississippi was the hostility of the Indians already occupying the country. As Louisiana was claimed by white settlers and Texas was Spanish territory, there was no territory south of the Red River that offered a home for the eastern Indians. The Quapaws were recognized as the owners of the land between the Red River and Arkansas for a distance of several hundred miles west of the Mississippi. The United States, in 1818, acknowledged, by treaty, the Quapaw ownership of these lands.

The United States made the first cession of lands to the Choctaws in a treaty concluded near Doak's Stand, Mississippi, October 28, 1820. Major Andrew Jackson of the United States Army and General Thomas Hinds of the State of Mississippi, as commissioners on the part of the United States, and the three celebrated chiefs, Apokshvntvbbi, Pashimvlhtaha, and Amosholitvbbi, together with one hundred head men and warriors representing the Choctaw Nation signed the treaty. The second article of the treaty defined the boundaries. According to this description the Choctaws were ceded the country which lay between the Red River, its southern boundary, and the Canadian and Arkansas rivers, which formed its northern boundary. It was assumed the one hundredth meridian was the western boundary, as that was the boundary between the United States and Spanish possessions in the Southwest.

In 1821, John C. Calhoun appointed Henry D. Downs as special commissioner to survey the eastern boundary of the Choctaw country. His line, however, was not accepted.

Efforts were made in Congress in 1823 to change the western boundary of Arkansas; and finally, on May 23, 1824, a bill was passed which moved the western boundary of Arkansas so that it began at a point forty miles west of the southwest corner of Missouri and ran due south to Red River. The Choctaws were not consulted in regard to the changes. As a result, in the fall of 1824, a delegation of Choctaws went to Washington to negotiate a new treaty. A treaty was agreed upon and signed January 20, 1825. Under the first article all the Choctaw lands lying between the lines surveyed in 1821 and the new eastern boundary, containing 5,030,912 acres, were ceded back to the government. The work on the eastern boundary of the Choctaw Nation was completed on January 6, 1826.

Public opinion in Louisiana was against the removal of the Indians to the Red River Valley. The people thought an injustice was being done to them by the government. The final and definite removal treaty of the Choctaws was made at Dancing Rabbit Creek in Mississippi. The Choctaws finally consented to the removal of their people from Mississippi and the relinquishment of all their tribal lands in that state. No additional land was given them other than that assigned them in 1820.

The story of the treaty made at Dancing Rabbit is typical of the early days. Money was used in the entertainment and bribery of the Choctaws, and the grounds were surrounded by crowds of white rowdies with faro tables and saloons.

The country assigned the Choctaws was beautiful but very malarial. Most of the bands settled along the banks of the Arkansas and Red Rivers. The first party came to the Choctaw Nation in 1832 and settled on Little River in the eastern part of Oklahoma. David Folsom was in charge of the party, and many of the Choctaws would have died had it not been for him, for the winter was very severe. By the end of 1833, most of the Choctaws had been removed to the new country.

The Choctaws and Chickasaws were related ethnologically, and members of the two tribes had intermarried to some extent.

The government officials after 1826 urged the Chickasaws to settle in the Choctaw Country. The government was successful in making a treaty with the Chickasaws at their council house on Pontotoc Creek, Mississippi, October 20, 1832. The Treaty of Pontotoc provided that the Chickasaws sell all their land east of the Mississippi to the United States. The proceeds from these sales were to constitute a trust fund to remain under the direction of the government for the benefit of the Chickasaw Nation.

A treaty made at Doaksville, on January 17, 1837, united the Chickasaws and Choctaws. The treaty provided that the Chickasaws should have the privilege of forming a district in the Choctaw Country, to be known as the "Chickasaw District of the Choctaw Nation." The district was to have equal representation in the General Council. The Chickasaws were to have all the rights and privileges of the Choctaws and were subject to the same laws. Their finances were to be kept separate. The Chickasaws paid the Choctaws \$530,000 for these rights. The Chickasaws were the wealthiest of the Indian Tribes. By January, 1839, practically the whole tribe of Chickasaws had arrived in the Indian Territory.

As the years passed the Chickasaws grew more and more dissatisfied with their political connections with the Choctaws. However, the Chickasaws continued to live as citizens of the Choctaw Nation until 1856. A new treaty made in 1855 separated the Chickasaws from the Choctaws and established their own government, to be known as "The Chickasaw Nation." The treaty also provided that all land between the ninety-eighth and one hundredth meridians was to be leased to the United States for other Indian tribes, and this land was known as the "Leased District."

The early records and descriptions of conditions in the Indian Territory comment highly upon the character and advancement of the Choctaw people. The Choctaws were interested in education, and before the Civil War they had a system of elementary education. Other schools that accomplished much among the full-blood Choctaws were the "Saturday and Sabbath Schools." The pupils were generally grown-up women and men and were taught

in the Choctaw language. As a result, the full-bloods could read their Bibles, their tribal laws, and local newspapers.

The early life of the Choctaws and Chickasaws was very primitive. Rude huts formed their habitations, these being built near the streams and springs. However, with the growth of the Choctaws and as Chickasaw wealth and prosperity increased, there arose many a mansion in colonial style of architecture. The Choctaws, both men and women, adopted to a large extent the fashion of clothing worn by the white people. The largest farms in the Choctaw and Chickasaw Nations were found in the Red River Region. The Red River Country was well suited to the raising of cotton, which was the principal crop. There were also all kinds of grains raised there. The Chickasaws and Choctaws could well be called an agricultural people. Hunting was one of their chief pastimes, and the fall hunting parties brought home plenty of dried meats.

The Choctaw Council was composed of a House and Senate. Its laws applied only to the citizens of Choctaw Nation and laws needful for the growing interests of the nation. If a Choctaw were fined or penalized for anything, his word that he would appear was sufficient. A Choctaw seldom broke his word, and he always paid his debts.

Nearly all Indians were interested in sports. Ball playing, fox-chasing, and horse-racing created the most interest. Some exciting horse races for big stakes took place at Fort Gibson. The Choctaws took an interest in the religion which was brought to them by the Christian missionaries. Christian teachings were accepted to some extent. Both the Choctaws and the Chickasaws owned slaves. Among the Choctaws who settled in the Red River region were a number of owners of many slaves. These owners had large plantations along the river and they grew very wealthy from the cultivation of cotton, which became commercially important because of the rich bottom lands and also because of shipping facilities on the Red River. Among the Chickasaws and Choctaws no person with negro blood was considered socially equal to any citizen of those nations. The Choctaws had a law that, "no

person who is any part negro shall ever be allowed to hold any office under the government." There was very little difference in the social, economic, and political life of the Chickasaws and Choctaws.

The Comanche and Kiowa Indians were nominally friendly to most whites, but they were very bitter toward the pioneers of Texas. Many innocent persons fell as prey to the Comanches and were treated with all the hostility possible. The Comanches felt that they had been mistreated. The government wanted to keep peace with these unfriendly tribes. Early in 1834, the Osage people held several captives from the Kiowa and Wichita tribes. This fact gave reason for the government to open negotiations with the tribes to which these captives rightfully belonged. Therefore, an expedition was organized under Colonel Henry Leavenworth and Colonel Dodge to proceed with their troops to a point on the North Fork of Red River. Colonel Dodge visited the Wichitas, Comanches, and Kiowas and urged the Indians to make peace with the whites and neighboring Indian tribes. The result of the expedition was very good. A favorable contact had been established with the three Indian tribes, and representative of two tribes went to Fort Gibson for a conference with the government officials. Peace with the Indians seemed nearer; and this conference was the beginning of the modern history of these tribes. In the upper Red River Country were the homes of the wild tribes of Indians. The treatment of the Indians by Texas had driven them to this region. It had also been necessary to remove the Osage and Comanche tribes when the Five Civilized Tribes had moved west. It was hard for these Indians to understand that their land had been taken from them. The wild Indians were probably affected the most by the Treaties of 1866.

It became necessary for Congress to do something to protect both the white people and the Indians. In July, 1867, Congress appointed a commission to work out a plan for helping the Indians. A meeting was called on Medicine Lodge Creek, October, 1867. The tribes present were the Comanches, Kiowas, Arapahoes, Cheyennes, and Kiowa-Apaches. All the tribes wanted peace, but

the question of reservations was the most difficult to settle. The Comanche and Kiowa tribes gave up their land in the Panhandle of Texas for land in Indian Territory between the Red River and the Washita. The other tribes were given land of the Creek cession. The members of the commission worked for over a year. When they returned to Washington and made their report, Congress created a Board of Indian Commissioners to look after the affairs of the Indians.

MILITARY FORTS, TRADING POSTS, AND TRAILS IN THE RED RIVER COUNTRY

The people who undertook to build up the Red River Country were hindered by lawless white men and Indians. Therefore, it was necessary for the government to build forts for the protection of the early settlers.

Because of the attitude of the Spanish, Fort Claiborne had been built by the United States troops at Natchitoches, in 1807. Fort Selden on Bayou Pierre was established in November, 1820, by companies of the Seventh Infantry from Arkansas. In March, 1822, General Gaines located Fort Jesup, Louisiana, for the protection of the settlers upon the frontier. The people living below the Kiamichi complained they were exposed to the depredations by Indians; whereupon General Scott, who was in command of the western frontier, ordered one company from Fort Jesup to join one at Sulphur Fork and take position at the mouth of the Kiamichi. These troops established Cantonment Towson in May, 1824. The troops were much needed on the Red River, for vagabond Indians then carried raids as far north as the Arkansas River. Cantonment Towson was never anything more than a temporary fort, and having served its purpose, was abandoned in June, 1829, the troops being removed on four flat boats down Red River to Fort Jesup. In November, 1830, after the Treaty of Dancing Rabbit-Creek was made, the government gave orders for a permanent fort to be built in the Choctaw Country on the site of the old post at the mouth of the Kiamichi. It was called Camp Phoenix. The next year on November 20, 1831, it was officially named

Cantonment Towson, and on February 8, 1832, Fort Towson. What Fort Gibson was to the Cherokees, Fort Towson was to the Choctaws and Chickasaws. Fort Towson was abandoned on June 8, 1854.

Captain R. B. Marcy was directed by the government to establish Fort Arbuckle somewhere near the one hundredth meridian on the Canadian River, to protect the Chickasaws from the hostile Indians and to protect travelers on their way to California. In 1850 Marcy built the fort on the right bank one mile from the Canadian River. The government did not approve of the site and ordered it removed south near the Washita River. The permanent Fort Arbuckle was established April 19, 1851, on Wild Horse Creek, a branch of the Washita. This fort became the gateway for peace commissions, for councils, for military expeditions to relieve the distressed settlers in the southwest. During the Civil War the Confederate forces took possession of the fort and shortly after the war the fort was occupied by Federal troops, but was officially abandoned on June 24, 1870, when the establishment of Fort Sill absorbed all the business that had been transacted at Fort Arbuckle. There is one reminder of the old fort that remains on a rocky hill one mile south of the site of the fort where a stone pillar marks the initial zero point, called the Indian Base, from which all lands in Oklahoma, except the Panhandle, are still measured. Camp Leavenworth was located in 1831 near the mouth of the Washita River on the bank of the Red River in Marshall County. It was at Camp Leavenworth that George Catlin painted some of his most noted Indian pictures. Fort Coffee was established April 22, 1834, five miles from the Choctaw Agency and was to be the point of debarkation for the Choctaw emigrants coming up the Arkansas by boat. The fort, which was a very important one, occupied a high cliff overlooking part of the Choctaw Nation. Fort Coffee was evacuated October 19, 1838. In 1843, at the request of the Choctaws, the Methodists used Fort Coffee for a school site. Fort Washita was established on the east fork of the Washita River, at the junction of the Washita and Red Rivers to comply with the promise to the Chickasaw

Indians of protection against hostile tribes. In May, 1842, General Zachary Taylor named the post Fort Washita. During the gold rush to California, the fort was a very important place. The Federal Government used Fort Washita during the Civil War. In 1870 Fort Washita became Indian property. Fort Cobb was established in Indian Territory, October, 1859, on the Washita River in order to control the Indians to the south. General Albert Pike planned and built Fort McCulloch in the summer of 1862. It is in the southwestern part of the Choctaw Nation. Fort McCulloch had a most important position; it commanded the road to Fort Gibson on the north, Fort Smith on the east, Fort Washita on the west, and also the road to Texas. One of the most important forts in Texas was Fort Richardson. It was the first post to be built south of Red River after the Civil War. The fort was located on Lost Creek near Jacksboro, Texas, and because of its location near Indian Territory, proved to be very useful in protecting the frontier from the Indians and also in defending the cattle trade. The fort furnished escorts to cattle traders going north. Another important post was established north of the Red River, March 4, 1869, known as Camp Wichita, located on Cache Creek. The name was changed, July of the same year, to Fort Sill. Fort Sill was established to protect the Kiowa, Comanche, and Apache Indians. The fort was situated nearly in the center of the reservations with the agency for these Indians adjoining. Fort Sill is now one of the outstanding posts in the United States.

These military posts were for one great purpose—"protection." There were also many trading posts and settlements which were the business and social centers of the Red River country; that is, the meeting places of the important men and women who formed the character of that southwest.

One of the oldest trading posts was Monette's Ferry on the Cane River. The Bon Dieu Mission was established by the Catholics at the junction of the Carencrow and Yattasses. There was a store here which was the rendezvous for early settlers and Indians. The first trading post in the limits of the Kiowa-Comanche reservation was "Warren's Trading Post," built at the mouth of the

Cache Creek in 1839. The post was ideally located in good trade territory. The trade the year around was mostly with Indians of various tribes. It was from this location that Captain Marcy started his exploration of the Red River. Nail's Crossing was an important meeting place on the military road that ran from Fort Gibson into the southwest. Here thousands of adventurers crossed the Blue, visited, heard the news, and then went on to the West. Old Boggy Depot was located in the eastern part of Chickasaw Nation; but when the boundary was changed, it was in the western part of Choctaw Nation. It was a thriving town, where some of the ablest statesmen of Oklahoma have lived. Holland Coffee, a trader, set up a store at what was called "Old Pawnee Village," on Red River about seventy-five miles above the mouth of the Washita River. Byarly's Landing on Red River was one of the important steamboat landings in 1860. Adobe Walls was situated on the Canadian River in Hutchinson County, Texas. It was the supply post for buffalo hunters. The Indians were alarmed at the disappearance of the buffalo, which meant lack of food for them, and they resented the work of these professional hunters. Quanah Parker led the Indians in an attack against Adobe Walls. This battle stands out in the history of the Staked Plains. Doan's Crossing on Red River was known as the jumping off place, the last of civilization between there and the Kansas line. Colbert Station was an important place in Indian Territory, which was at one time a sort of headquarters for some of the James gang.

There are many historical places on the Red River. Old Doaksville was established by the Doaks brothers, Oklahoma's first "Sooners" in 1821. Eagletown, an historical village, was settled by the Indians on their journey to the new country. The oldest mission, Stockbridge Mission, in Oklahoma, was established there. At Wheelock was an academy for the education of Indian children. It is here that the oldest church building in the state is located.

Throughout the Red River country there were roads and trails leading in all directions. Perhaps the most interesting ones were those made by the cowboys, the cattle trails. One was the mouth of Red River on Natchitoches. Nolan's trail led out from

Alexandria across Bayou Rapides through western Natchitoches Parish. An Indian trail extended from Natchitoches across the country to Natchez. On the government maps there is Marcy's Road to Fort Belknap. In 1824, a military road was laid out that passed through the heart of the Choctaw Nation. This was a great help to the Indians in taking their products to market. The southern overland mail line went into operation about 1858. The cattle trails influenced the history of the Red River Country. There were four trails used in the northern drive. The Chisholm Trail is the best known. A number of our main highways and railroads follow the old cattle trails.

THE CIVIL WAR IN THE RED RIVER COUNTRY

Since the Red River was a natural center for military operations, it could hardly be expected that the Civil War would be fought without a struggle in that region. Probably no other region except the Mississippi was of such great importance to the Confederates. For a long time the Northern armies left unmolested the western area of the Confederacy. The portion of the river that was virtually held by the Confederates from Vicksburg to Port Hudson, included the outlet of the Red River by which detachments of men, provisions, and stores from Louisiana and Texas, as well as arms and ammunition were forwarded through the trans-Mississippi country. The Red River was the highway by which Texas, Louisiana, and Arkansas were connected with the central and eastern portions of the Confederacy.

An objective of the Federals was to destroy the power of the three trans-Mississippi states by cutting them off from the Confederacy and then by blockading them. In order to do this, it was necessary to get control of the country about the mouth of the Red River and also the mouth of the Mississippi.

Grant did not approve of the Red River Expedition. Considered as a local policy, the expedition up the Red River to Shreveport presented important advantages, but, considered as a national policy, its value was comparatively little. However, it was de-

cided upon, and the army and navy attempted to carry it out. The officers in command of the Federal army and navy of the Red River Expedition were Rear-Admiral Farragut, Rear-Admiral Porter, and General Banks. They concentrated their forces near Natchitoches and were delayed because the Red River was so low that the gunboats could not pass the rapids that obstructed the navigation of the Red River just above Alexandria. General Kirby Smith was in command of the Confederate forces. The Federal Army moved into the Red River Country, where it was met with such an attack by the Confederate army that it was compelled to retreat. As a military movement, the Red River campaign was conducted without capacity or discipline. It has been said, "No one knew who got up the Red River expedition."

The Confederate Government made treaties with the Indians; and there is little doubt that the Chickasaws and Choctaws did everything in their power to help the Southern Cause. General Stand Watie tried to help the many destitute Confederate families and often took them with him on marches until they could find shelter.

Refugee camps were formed in many towns in northern Texas and in settlements in the Choctaw and Chickasaw Nations. Cherokee refugees went to the southern part of Oklahoma and Cherokee soldiers were detailed to build shelter for them. Most of the Cherokees became a mass of starving fugitives depending upon charity. The Confederates could not keep their obligations to the Indians. Just before the close of the war the Confederate Government tried to meet its obligations to the Indians by paying the annuities in cotton. Boudinot tried to secure this in Congress but failed. When General Watie surrendered, his most important problem was to secure food for his starving people. The United States Government took up the work of caring for the southern refugees during the winter of 1865-1866.

The Red River Campaign caused much debate in the Senate. On December 6, 1864, a resolution was passed in the House of Representatives that a committee on Conduct of War inquire into

the disastrous results of the Red River Campaign. The evidence shows that the campaign was a failure because the expedition had been undertaken without direction of anyone. However, the expedition did bring to the notice of the United States Government the importance of the Southwest and the Red River.

NAVIGATION AND TRANSPORTATION

Long before the time of steamboats, there had been many kinds of boats on the Red River. With the invention of the steamboat began a new era for river transportation. Captain Henry Miller Shreve brought the first steamboat into the Red River, the *Enterprise*, in April, 1815.

Fulton and Livingston claimed the sole right to navigate the western waters. They brought suit against Shreve and as a result, the United States District Court for the Territory of Orleans, held that the monopoly that Livingston claimed was illegal. This decision with the one Chief Justice Marshall rendered in *Gibbons vs. Ogden*, and laws passed by Congress, released every river, lake, and harbor in the United States from the interference of monopolies.

Travel on the Red River as far as Natchitoches soon became a regular thing. Red River was described as one of the most remarkable streams in this country. Since the flood plain of the Red River was formed by alluvial soils, the swift current frequently caused the river to change its course, forming new and shorter channels, called "cut-offs." During floods, huge trees were uprooted and carried down-stream. Thousands of trees lodged together and masses extended for miles up the river and choked its channel. These were called rafts and were the real dangers and problems at the time when rivers were the highways of travel in the Southwest. They affected commercial activity on the Red River for many years. There were a great many floods and overflows, which over a period of years, built up the high lands in the Red River Valley.

The greatest danger threatening the boats on the river was fire. Boiler explosions were also a great danger. The people

traveling on the steamboats were in constant fear. As the steamboat traffic became greater, there were horrible accidents, and public sentiment became so aroused that laws became necessary as a means of regulating the steamboats. Louisiana was the first state to set the example. Most of the states soon passed laws similar to those of Louisiana.

Besides explosions, fires, floods, racing, and other accidents, there were many accidents caused from natural conditions which were much worse on the Red River than on the Mississippi. Snags were one of the chief causes of danger on the Red River, being more dangerous than rocks. There were other obstructions, as the falls at Alexander, the bar at the mouth of the river, and the great raft above the Natchitoches. A resolution was offered in Congress in 1843, asking that an appropriation be made to remove the obstructions at the mouth of the Red River in Louisiana. Legislation was passed but nothing much was accomplished. The Civil War put an end to water improvement for a number of years. Steamboat navigation on the Red River was delayed more than anything else by the "Great River Raft" that obstructed the channel in Northern Louisiana. The Great Raft extended for more than one hundred and fifty miles. It not only delayed the opening of trade on the upper Red River, but also interfered with the settlement of some of the richest lands in the Red River Country on account of floods which it caused. As early as 1825, a resolution had been offered in Congress to estimate the cost of removing the raft. The first bill for the improvement of the Red River and the removal of the raft was passed in Congress, May 23, 1828. Some traffic had been carried on above the raft before any effort was made to remove it. Several expeditions had passed the raft on the way to upper Red River. The raft was finally removed by the Federal Government in 1878.

There were many steamboats plying the river by 1850. Freight was six dollars a bale for cotton to New Orleans while "up freight" was three dollars a bale. The river trade was not favorable to the growth of many towns. In 1833 there was no settlement on Red River from forty miles below the raft up to Fort

Towson. The most important landing in the Choctaw Nation was the Fort Towson landing about six miles from Doaksville.

The Red River served as an emigrant's highway to Texas. It was from Natchitoches on the Red River that Moses Austin made his way to San Antonio to seek land from the Spanish. It was by way of the Red River that Stephen Austin and his first band of colonists departed for Texas. David Crockett, Sam Houston, James Bowie, and many others famous in Texas history went to Texas by the Red River route.

Texas exerted herself to the utmost diplomatically in an effort to get the United States to sign a treaty agreeing to a plan whereby Texas might have the right of free navigation of the Red River and the Mississippi to its mouth. On May 19, 1842, a "Treaty of Amity, Commerce, and Navigation between the United States of America and the Republic of Texas" was signed by Daniel Webster and James Reily.

As trade increased on the Red River the country was rapidly filling up with settlers; the land possessed great advantages, being very rich and easy of access by water. By 1875 the Red River trade was very good. In 1880 it was better and in 1886 was still advancing.

There has been a great effort of recent years to revive the navigation of the Red River, and the states which are affected are putting forth every effort for improvement of the Red River. From 1910-1931 many reports have been submitted to the Federal Government on the subject of navigation in Red River. However, the report submitted to the Board of Engineers for Rivers and Harbors by the Louisiana State Board of Engineers entitled "Navigation in Red River" was the most comprehensive report on this subject that has ever been prepared. The report pointedly sets forth just what has taken place during the last thirty odd years with the control of the river and ultimate improvement falling on the shoulders of the local interests. It also sets forth the tremendous annual volume of traffic that would be affected by Red River navigation. It says that the annual saving of transportation costs

would be immense. The Board of Louisiana Engineers reported there were several permanent ways to improve the navigation of the Red River.

While steamboat traffic stopped during the Civil War, railroad building went on, and the steamboat was a thing of the past. After the Treaties of 1866, corporations began to build two railroads, each designed to cross Indian Territory to the Red River. By 1888 several railroads had been built through the Red River Country. The most important invasion to the river trade was made by the construction of the Texas and Pacific Railroad. It was the first road in the region parallel to the Red River. The railroads brought much business to the territory.

It became necessary for Congress to pass a law authorizing Oklahoma and Texas to build free bridges over Red River. They connect Federal highways and are free to the public. It is maintained, however, that Congress has authority to control the building of bridges over the Red River between Texas and Oklahoma.

ECONOMIC CONDITIONS IN THE RED RIVER COUNTRY

Dr. John Sibley describes the lower Red River Country as high, rich and a beautiful country, which would produce corn and cotton in great quantities. The upper Red River was just as good for crops and grazing. The fertility of this country, the vast quantities of products which it could yield, with the possible productions of minerals, as well as the great areas of unclaimed and vacant lands, rendered the acquisition of it by the United States of primary importance.

The different explorers, Sibley, Dunbar, Freeman, all reported about the valuable land, crops and cattle they had seen on their expeditions. Thomas Nuttall spent much time in the Red River Valley, gathering botanical specimens and observing the plant life, which he said was of unusual variety and growth.

By 1820, as far up the Red River as Natchitoches, there were many flourishing plantations. Cotton, it was said, yielded two bales to the acre and wheat eighty bushels to the acre. A lively

trade was conducted by merchants of Natchitoches with San Antonio and Mexico City. The Natchitoches Indians worked on salt works on the Saline. The making of salt became a big industry by 1805. Natchitoches, an important settlement, was the gathering place of people on their way to Texas, Arkansas, and southwestern territories. All roads led to Natchitoches.

The Louisiana Purchase furnished territory for the frontiersman who wanted to move west and as soon as federal authority was extended over the province of Louisiana, there was a rush of Americans from the East and North. The westward movement was caused in part by the hard times of 1833 and 1834. There was also, during this period, natural expansion southward and westward in the Red River Country of planters, into the fine cotton region of the upper Red Washita, Beach, and Tensas rivers. In 1843, nearly one-tenth of the whole amount of cotton of the United States was shipped from the Red River Country to New Orleans. In 1843, New Orleans became alarmed for fear of losing the trade of the Red River. From some improvements which were to be attempted, the course of the river was likely to be changed and its waters forced into the Gulf by way of Atchafalaya.

Settlers for the western frontier of the United States descended the Mississippi to the mouth of the Red River and, ascending the stream to Shreveport, proceeded by a direct route into the eastern portion of Texas. Emigrants liked the fine rolling uplands and alluvial soil of Red River Valley when they found the climate and productive soil adapted to the agriculture common in Tennessee and Kentucky. An important attraction was that the river was a navigable stream.

While the Red River bottoms were among the best cotton lands in the world, not all of the Red River Country is included within the cotton growing country; but most of it does produce some cotton now (1933), which is of the upland variety. Much of the land in the western Red River Country was used for grazing. Large herds of cattle were kept upon the plains and sent from here to the north. As the years passed, more attention was

given to improving the breeds of cattle and developing small farms, especially since 1910.

One of the most important resources of the Red River Country is the timber obtained from the forests of the Kiamichi Mountains, as well as from the slopes of the Arbuckle Mountains. Logging and saw-milling are important industries in southeastern Oklahoma. The State Forestry Department cooperates with the lumber industry in furthering conservation and reforestation.

Various kinds of mineral resources are found in the Red River Country in great quantities. The greatest resource of Oklahoma is the vast amount of oil, from which many complications have arisen in the Red River Country. The first oil company in Oklahoma was organized by the Chickasaws and Choctaws in 1872. A great amount of oil was found in northern Texas, 1914-1916. The trend of oil-bearing sand extended to and under the lands contiguous to the Red River and even under the stream.

The population of the Red River Country was composed of the same mixture of people in 1930 as it was in 1820. The 1930 census shows that the population for the upper Red River Valley was 1,242,578, most of the persons being white, while the population of the lower Red River Valley is 359,760.

Natchitoches, Alexandria, and Shreveport are the principal Red River cities in Louisiana. Shreveport, the largest city on the Red River and the second largest city in Louisiana, is a most important marketing and distributing center. There are many distribution centers in southeastern Oklahoma and northern Texas. Some very astounding economic facts are established to indicate the great wealth of the Red River Country.

The early explorers predicted that the primary interest of the settlers who should occupy the Red River Country later would be agricultural. They were right; for the Red River Country is of untold value to the Southwest, since its vast resources, its great wealth, and the cosmopolitan population of the upper and the lower Red River make this region the garden of the Southwest.

GREER COUNTY

In the southwestern part of Oklahoma lies the territory formerly called Greer County. Greer County lies between the two forks of the Red River. On the north is the North Fork of the Red River, and on the south, Prairie Dog Town Fork, which has since been declared the main stream. The one hundredth meridian forms the western boundary.

From the annexation of Texas, the boundary between that state and the territory of the United States was in dispute. The United States maintained that the South Fork of the Red River was the main stream and formed the boundary. The State of Texas maintained that the North Fork of the river constituted the main stream and thus formed the boundary line.

Greer County was the grazing ground of the great buffalo herds and a hunting ground for the Plains Indians. After the Civil War, the cattlemen of Texas began to seek new ranges for their cattle, and by 1880, they had located on the grazing land of Greer County. The beef-contractors kept their herds here. The Day Land and Cattle Company of Texas bought up land certificates issued by the state to the veterans of the Texas War of Independence (1836), and for them, there was allotted to the Day Company, on the twenty-eighth of March, 1884, 144,640 acres of land in Greer County. In 1884, the Federal Government took cognizance of the presence of the ranchmen and herders in Greer County, and President Arthur issued a proclamation warning them against trespassing.

For the next four years settlers came to the country from all parts of the United States, but mostly from Texas. In 1888, the government again warned these cattlemen against trespassing. The settlers paid no attention to the proclamation, for they felt that the Texas authority would protect them. Greer County was organized as a county of Texas, February 8, 1860. The legislature of Texas, on February 25, 1879, appropriated money for schools, even though the ownership of Greer County was disputed by the United States and Texas.

The controversy concerning the status of Greer County was carried on between the Federal Government and Texas for many years. Finally, the Organic Act for the territory was passed by Congress in May, 1890. One section of this act made it mandatory that the Attorney-General of the United States file in the Federal Supreme Court, a suit in equity to determine the long standing dispute. The archives of Mexico and Spain were searched, depositions taken in many places, and copies of old maps procured in preparation for the trial. Nearly six years passed between the Organic Act and the rendering of the decision of the Supreme Court.

The case is known as "United States vs. Texas." Testimony in the Greer County Case was taken in 1894. The case was argued before the Supreme Court on October 23, 24, and 25, 1895, and the decision was handed down five months later (March 16, 1896). The question of boundaries, construction of treaties, titles, acknowledgment and acquiescence were considered and defined in the case.

Both Texas and the United States claimed title to the area in dispute under the terms of the treaty of February 22, 1819, between the United States and Spain. The Treaty of 1819 declared that the boundary lines between the United States and Spain were to be the same as given in Melish's map of 1818, and this map fixed the one hundredth degree of longitude west of Greenwich, below and east of the mouth of the North Fork of Red River as now known. Texas had, by legislation, often recognized the true one hundredth meridian as located by the United States. The legislature of Texas passed an act creating Greer County when there was no reason to suppose that the United States had given up any claim to the territory. It was claimed by Texas that the United States had in many ways recognized the claim of Texas to Greer County, and that upon the principles of justice and equity, should not question the title of the state to the territory. Much significance was attached by the State of Texas to the fact that as early as 1860, by legislative enactment, the state created "Greer County" with boundaries that included the whole of the territory in dis-

pute, and that it had since asserted its jurisdiction over both that territory and the people in it, and by inadvertence, the United States, by act of Congress, February 24, 1879, included Greer County as a part of Texas in the northern Judicial District of that state, recognizing it, apparently, as an integral part of Texas. Much testimony was offered by the United States to show that the Indians had long been accustomed to occupy the disputed area—evidence that Spain had not claimed it. Mr. Justice Harlan of the Supreme Court handed down the opinion, March 16, 1896. By this decision, the South Fork of Red River was declared the boundary line and Greer County became a part of Oklahoma.

Four days after the decision, a bill was introduced in the House to provide for the government of Greer County, Oklahoma. Another bill was passed to provide for the opening of the Greer County lands to homestead entry, under the United States land laws. This act gave to settlers, already on the land, a preference right to any quarter section within the limits of lands so occupied, the land to be free except for the land office fees, and each settler was to have the privilege of buying an additional quarter section of land at one dollar per acre.

By the decision of the United States Supreme Court, there was added to Oklahoma Territory, one million five hundred thousand acres of land, out of which, in 1907, the Constitutional Convention of Oklahoma organized Greer County and Jackson County. Later, Beckham and Harmon counties were created. The farms in this section are large. Agriculture is the most important industry, excellent cotton being raised; the cattle business also is one of the chief interests of this part of the Red River Country.

Oklahoma might well be pleased that the decision was handed down in her favor, because it added to the state rich farming land, settled definitely the question of ownership of land in Greer County, and defined the southwest boundary of Oklahoma.

OKLAHOMA-TEXAS BOUNDARY DISPUTE

When oil was discovered in northern Texas and in the bed of the Red River, the old question of the boundary line was again revived. There were great quantities of oil, consequently both states claimed the land and the parts of the river. The dispute arose over the right to drill oil wells in the bed of the Red River. Texas claimed the south half of the river bed as public property and gave oil leases to operators, who soon had producing wells. Oklahoma claimed this land belonged to the state of Oklahoma and would be leased by the School Land Commission. The United States then claimed to be the owner of a large part of the bed of the river and the numerous islands therein. Then certain Indian allotments were claimed to extend to the middle of the river. Up until this time, the river, most of which is not navigable, had never been any cause for dispute in regard to ownership. Treaties were studied, Spanish archives were searched, and one of the most interesting cases of recent years went to the Supreme Court of the United States. Involved in the case was the entire history of the Red River, from the time of the Louisiana Purchase. One of the points of negotiation at the time of the purchase was concerning the boundary lines along the Sabine and Red Rivers. Extracts from the history of the Red River show that conferences were held by John Quincy Adams, Secretary of State, and the Spanish Ambassador, and that no adjustment was accomplished for several years. After many proposals on both sides, the Treaty of 1819 was accepted, although very unsatisfactory to the Spanish Government.

The Organic Act, approved May 2, 1890, described the boundaries of Oklahoma Territory and states that it is bounded on the south by Texas. When Oklahoma was admitted as a state, it acquired the rights, sovereignty, and jurisdiction over navigable streams that were formerly under the United States. On December 8, 1919, the state of Oklahoma filed an original bill against Texas and asked that the court establish the south bank as the same existed February 22, 1819, as the true boundary line between the states.

On March 1, 1920, the state of Texas filed its answer, denying that the legal effect of the terms of the treaty between the United States and Spain was to locate the boundary on the south bank of Red River, but that the boundary was located at the center of the main channel of Red River. The evidence which was introduced related largely to questions of the assertion of rights and jurisdiction over property involved on the part of Oklahoma and Texas. That the Oklahoma-Texas boundary was the south bank of the Red River was conceded by various treaties: namely, the Spanish-American Treaty of February 22, 1819; the Mexican-American Treaty of January 12, 1828; by an act passed December 19, 1836, by the Congress of Texas; by an act of Congress passed in 1845, admitting Texas into the Union; by an act of Congress, passed May 2, 1890, describing the boundaries of Oklahoma Territory and Indian Territory; by an act of Congress admitting Oklahoma into the Union and by the Constitution adopted by the people of Oklahoma.

The decision handed down by Justice Van Devanter, January 15, 1923, was that the south bank of the Red River was the boundary line as established by the Treaty of 1819. This decision definitely settled the Oklahoma-Texas boundary dispute, which was brought into prominence by the discovery of oil in the Red River.

THE RED RIVER TODAY

The explorations into the Southwest, with the glowing reports, and possibilities of the Red River Country, caused many people to come into that country. It was gradually settled and became a very cosmopolitan region. At the present time, 1935, the Red River Valley constitutes one of the important agricultural regions of the United States. The soil of that portion of it which lies in Louisiana is very rich. The farms are small, but they produce excellent crops. In Arkansas there are large orchards and many rice fields. The Red River Valley in Oklahoma is unusually fertile. On the Texas side of the valley, cotton is the staple crop. In western Texas, the cattle business is one of the industries. There are a number of flourishing towns on the Red River today.

Because of the great value of the land on either side, the Red River has been the cause of much controversy. The State of Oklahoma and the State of Texas have built three free bridges over this river. The controversies, which have been international and national, have interested several countries and states, which is a significant fact as to the importance of the Red River Country today.¹

¹ Dr. Emma Estill Harbour is head of the Department of History at the Central State Teachers College, Edmond, Oklahoma. This article appeared in *Abstracts of Theses for Higher Degrees in the Graduate School, 1933, The University of Oklahoma Bulletin*, April 11, 1936 (Norman, Oklahoma).

The material for this history was obtained from the libraries of Congress, the University of Oklahoma, the University of Texas, the University of Colorado, the Astor Library of New York City, the Frank Phillips Historical Collection of the University of Oklahoma, and the Oklahoma State Historical Society.

FROM PARKER TO POE

BEING A BRIEF SKETCH OF THE EARLY JUDICIARY OF TULSA COUNTY

By

John Bartlett Meserve.

The area that is today Tulsa County, Oklahoma, came under the jurisdiction of the United States on April 30, 1803, when the Louisiana Territory was purchased from France. New Orleans was formally entered by the United States authorities on December 20, 1803. The colors of Spain had initially waved over this region from 1541-2 to 1682 when the French moved in and continued their possession until 1755. Spain again resumed its claims in that year and continued intermittently to exert its ownership until October 1, 1800, upon which date the vast tract was ceded to France. A court was established by the French, at Biloxi in 1699 and at New Orleans in 1723. We were subjects of the First Consul when he crossed the Alps, fought the Austrians at Marengo, dictated the peace of Amiens and reached a peak in his famous career. But there were no white people here during those twilight years and the wild Indians knew nothing about these claims of ownership of their domain and cared less.

An Act of Congress was passed on March 26, 1804, creating the District of Louisiana, north of latitude thirty-three, wherein it was provided, "The governor and judges of Indiana Territory shall have power to establish in said District of Louisiana, superior courts and prescribe their duties and jurisdiction and make all needful laws which may be conducive to the good government of the inhabitants." The fact that Old Vincennes was so far away affected no one and the savage native continued to sport along the Arkansas utterly oblivious of any disciplinary measures by the Indiana courts. On March 8, 1805, by Act of Congress, the District of Louisiana was made the Territory of Louisiana with headquarters at St. Louis. Section four of this act provided, "There shall be appointed three judges who shall hold office for

four years and shall possess the same jurisdiction which is possessed by the judges of Indiana Territory." An enabling act was passed in 1811 under which the State of Louisiana as now constituted, was admitted into the Union, the succeeding year. Tulsa County became, by Act of Congress of June 4, 1812, a part of the newly created Territory of Missouri, section ten of which act provides, "That the judicial power shall be vested in a superior court and in inferior courts and justices of the peace. The superior court shall consist of three judges." The judges were to be appointed by the President. Tulsa County was at that time a part of Arkansas County of the Territory of Missouri. This county embraced the present State of Arkansas and also the entire present State of Oklahoma, save the Panhandle. Missouri was admitted to the Union in 1821 and Arkansas Territory was formed by the Act of March 2, 1819, section seven providing, "That the judicial power shall be vested in a superior court and in such inferior courts as the legislative department shall institute and in justices of the peace. The superior court shall consist of three judges, who shall reside in the territory." The new Territory so created embraced the present limits of Tulsa County but on May 6, 1828 the western boundary line of Arkansas Territory was moved eastward to a line approximately forty miles west of the present western boundary line of the State of Arkansas. On June 30, 1834, Congress passed an act to regulate trade and intercourse with the Indians and to preserve peace on the frontiers, wherein it is stated, "All that part of the United States west of the Mississippi river and not within the states of Missouri and Louisiana or the Territory of Arkansas, shall be deemed Indian country." The act further defined what should be crimes and extended the "Federal laws of the United States as to punishment of crimes committed therein." Section twenty-four of this act provided, "All that part of the Indian country west of the Mississippi river, bounded north by line of lands assigned to Osages, west by Mexican possessions, south by the Red River and east by the west line of the Territory of Arkansas, shall be annexed to the Territory of Arkansas." Arkansas as now defined became a state on June 16, 1836.

In the thirties of the last century, the enforced removal of the Cherokees and Creeks to the old Indian Territory, was accomplished. Tulsa County was subsequently carved out of an area formerly embraced within the domain of each of these tribes. The northern portion of the county is within the 7,000,000 acres which had been originally assigned by the Government to the Cherokees in 1828. This tribe, after its removal and on September 6, 1839, adopted a formal written constitution wherein provision was made for "A supreme court and inferior courts as the National Council may establish." The Cherokee domain was divided into eight districts, the northern part of what is today Tulsa County falling within Cooweescoowee district established in 1856 and presided over by a circuit judge who held court, first about four miles northeast of Claremore and later, at Claremore. The remaining portion of Tulsa County fell under the jurisdiction of the lower Creeks presided over by Chief Roley McIntosh. The Creeks were rather indifferent and careless about their self-government and adhered to their primitive government of town chiefs. The Creeks composed their factional differences and, in October, 1867, adopted a written constitution wherein they provided for a "supreme court" and for "district courts" in each of the six districts into which the Creek domain was divided. That portion of Tulsa county lying south of the Cherokee line and north of the Arkansas river was situated in the Coweta district, with court held at Coweta. That part of the county lying south of the Arkansas came within the Okmulgee district with court convening at Okmulgee. The judges were appointed by the National Council. The tribal courts of the Cherokee and Creek Nations took no cognizance of the white man and their tribal laws had no application to him or to his activities, but were limited in their jurisdiction to the tribal members.

An Act of Congress was passed on June 17, 1844, extending the jurisdiction of the Federal courts of Arkansas over the Indian Territory. The Western Federal District of Arkansas was established in 1851 with headquarters at Van Buren but were later removed to Ft. Smith. This court was invested with complete and sole jurisdiction over all persons of non-Indian blood within the

Indian Territory only to offences against the laws of the United States, but had no jurisdiction over the Indians for "crimes committed by one Indian against the person or property of another Indian." The anomalous situation was presented of two peoples occupying the same jurisdiction but each responsible to an entirely different set of laws and courts. For upwards of thirty years, this Arkansas Federal Court evidenced little interest in restraining the lawless whites which began to infest the Territory. This inertia provoked a situation which has no parallel in our history. The aftermath of the Civil War, the settlement of the border States, the development of the Texas cattle trade and the advent of the railroads resulted in an era of unparalleled disorder. The Territory became a convenient rendezvous for irregulars from the States seeking a sanctuary among the Indians and where there was no "white man's court." It became a "port for missing men." The crime which became rampant was one which the tribal courts could not restrain and a condition developed which defies prosaic description.

Into this seething maelstrom of unbridled vice, in the spring of 1875, came Isaac Charles Parker, the newly appointed "carpet bag" United States District Judge for the Western District of Arkansas. On May 10, 1875, when Judge Parker entered upon his duties in the Ft. Smith court, a vindication of the law was inaugurated and for twenty-one strenuous years, he fearlessly met the last open challenge of outlawry of the plains. His court was unique in that there was no appeal from his decisions as they affected the Territory, for the first fourteen years of his tenure, save that for clemency to the President. During the years of his service our thirteen thousand criminal cases were docketed in his court. In nine thousand of these, convictions were had either by juries or by pleas of guilty. One hundred and fifty-one, upon conviction were sentenced to be hanged and eighty-three of these actually were hanged and all for offenses committed in the Territory. This gruesome record manifestly reflects the vicious condition which obtained and likewise acquaints us with the unafraid judge who composed the desperate situation. Gradually the opposition to the law's enforcement



JUDGE ISAAC C. PARKER

became weakened and order came out of chaos. Congress destroyed the finality of his judgments in 1889 and in 1896, having established a judiciary for the old Territory, divested the Ft. Smith court of its most unusual jurisdiction. Death summoned the tired jurist before the Bar of Eternal Justice on November 17, 1896, but the yeoman service of Judge Parker will ever linger, a hallowed memory.

The Act of March 1, 1889, created the first United States Court for the old Indian Territory, investing that court with jurisdiction throughout the entire Territory, of all offenses as defined by previous legislation, save those offenses punishable by death or hard labor. The laws of Arkansas relating to "practice, pleadings and forms of procedure" were extended over the Territory but jurisdiction over controversies between persons of Indian blood was denied the newly created court. Each succeeding Congress enlarged the jurisdiction of this court and on June 28, 1898, the tribal courts were abolished and all tribal laws suspended. The dual system which had so long been a source of dissension and misunderstanding was to become but a memory.

Judge James M. Shackelford of Indiana, the newly appointed United States Judge for the Indian Territory opened court at Muskogee on April 1, 1889. His Civil War record doubtless influenced his appointment. Upon his retirement, he was succeeded by the capable Judge Charles B. Stuart of Texas, in 1893. On March 1, 1895, the Northern District, composed of the Cherokee, Creek, and Seminole Nations, was created and Judge William M. Springer of Illinois was appointed. An extra floating judge was provided for the entire Territory on June 7, 1897, and Judge John R. Thomas of Illinois was designated. Judge Thomas sentenced to death the first man ever sentenced to pay the supreme penalty in the Indian Territory, being a man by the name of Cyrus Brown, who was hanged at Muskogee after his conviction had been affirmed by the Supreme Court. The first man ever actually to hang in the Territory was E. V. Brooks, a negro who was also sentenced by Judge Thomas at Muskogee. The erratic Judge Charles W. Raymond of Illinois succeeded Judge Thomas in 1901. The western

District was formed on May 27, 1902, and was composed of the Creek and Seminole Nations while the Northern District thereafter embraced only the old Cherokee Nation, and Judge Charles W. Raymond was appointed judge of the newly created Western District and Judge Louis Sulzbacker who came to the Territory from New Mexico via Porto Rico, became the floating judge of that district in 1904. A floating judge in each District was created on April 28, 1904. Judge Raymond was succeeded by Judge William R. Lawrence of Illinois in 1906. Judge Springer yielded the judgeship of the Northern District to Judge Joseph A. Gill of Kansas in 1899 and in 1904, Judge Lumen F. Parker of Missouri became the floating judge for the Northern District. At Statehood, the Northern District was presided over by Judges Gill and Parker and the Western District by Judges Lawrence and Sulzbacker. Tulsa County as today constituted, lay partially in both districts during those early days.

The 28th recording district was created in 1906 and Tulsa became a court town in the Western District. Judge Lawrence held several terms of court here. Theretofore, the portion of Tulsa County embraced within the Creek domain had been attached to the recording district of which Sapulpa was the court town. Otis Lorton who had been appointed clerk of the new recording district formally opened the recording office in Tulsa on July 3, 1906. The office was on Second Street in the building now used by the city fire department and it was at that place that Judge Lawrence held his first term of court in Tulsa. The portion of Tulsa County which was formerly a part of the Cherokee Nation, was attached to the recording district of which Claremore was the court town.

Under the laws of Arkansas which had been extended over the Indian Territory, the mayor of Tulsa possessed certain minor judicial powers, which in his absence were discharged by the city recorder. These powers were not altogether of a police character but extended to the trial of minor civil matters. The mayor was always conveniently absent and the city recorder was busy throughout the day, disposing of these matters. Judge Warren D. Abbott



JUDGE L. M. POE

occupied this position when Statehood came and functioned in a most efficient manner. United States Commissioners with Justice of the Peace jurisdiction were appointed by the various judges and the late Charles W. Butterworth served as such in the 28th recording district, which position he held upon the advent of Statehood.

The laws which were administered in those early days, now of history, were enactments by Congress at Washington in which the good folk of the old Indian Territory had no representative. These laws were construed by judges and enforced by marshals who came from without the Territory. But long range government was approaching the shadows. Statehood had been authorized and stood expectantly at the threshold with a written constitution providing for a supreme court and for district and county courts. This organic instrument defined the boundaries of Tulsa county, substantially as they are today. The bells rang and the whistles blew at eleven o'clock on the morning of November 16, 1907, in Tulsa, when the word came through from Washington that President Theodore Roosevelt had formally signed his proclamation of Statehood for Oklahoma.

The initial judiciary of Tulsa County after Statehood was of a high character. We pause to mention the patient, kindly Judge Ralph E. Campbell who ascended the Federal bench of the Eastern District at Muskogee which position he so capably filled for eleven years. Judges Robert L. Williams, Samuel W. Hayes, John B. Turner, Jesse Dunn and Matthew J. Kane graced the bench of the State Supreme Court with an efficiency, dignity and poise of the highest character. The new county court of Tulsa County was opened by the late Judge Nicholas J. Gubser.

Judge L. M. Poe, the first district judge of Tulsa county, is a native of Arkansas, came to the old Oklahoma Territory in 1893 and settled at Pawnee where he began the practice of law. He arrived in Tulsa on July 5, 1895, and opened his offices, since which time he has been actively engaged in the practice of his profession. These preliminary years fitted him most capably for

the task and no member of the Tulsa bar was so well advised of conditions during those early formative days of Statehood as was Judge Poe. He brought to the bench a thorough knowledge of the law, a wealth of practical experience in the practice and a judicial poise which marked him as one of the ablest jurists of the young State. He was a marked evidence of the fact that it was quite unnecessary to import our judiciary from Indiana, Illinois, Texas, Kansas, Missouri or Porto Rico. Judge Poe was then as he is today, one of the most highly respected and loved characters in Tulsa.

The first and only judicial execution in Tulsa county resulted from the trial in the district court, of Frank Henson, a negro, charged with the murder of Charley Stamper, a deputy sheriff, at Dawson on October 9, 1910. The negro was prosecuted by Maurice A. Breckinridge, the capable young county attorney and was convicted by the jury on November 23, 1910, with the death penalty inflicted. The conviction and sentence were affirmed by the Criminal Court of Appeals, after which Judge Poe imposed the death penalty as fixed by the jury and, on March 31, 1911, the supreme penalty was exacted by W. M. ("Bill") McCullough, the sheriff of Tulsa County, near the old county jail at the corner of Detroit Avenue and East Second Street.

The period of law enforcement from Parker to Poe is a unique chapter in the history of our country. The annals of the judiciary of Tulsa County since those early, hectic days, are not, as yet, far enough removed to become matters of history.¹

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THE TROPICAL AND SUBTROPICAL ORIGIN OF MOUND-BUILDER CULTURES

By Joseph B. Thoburn

What and who were the Mound-Builders—whence did they come—how long did they remain—and, finally, what became of them? These queries have been often propounded, variously answered and, in some instances, evaded. Among the theories advanced in response to such questions, there have been some to the effect that the Mound-Builder people were quite distinct from the American Indian occupants of the same part of the United States during a more recent era; by some authorities they are reputed to have been far superior to Indians in culture, skill, and ability. Some anthropologists have expressed a belief that the Mound-Builder people were exterminated by the Indians, though the trend and consensus of scientific opinion in more recent years has seemed toward a more or less generally accepted conclusion that there had been a measure of racial kinship, with the possibility that part of the modern Indian people are descended from the more ancient Mound-Builder stock. As yet, however, there has not seemed to be much in the way of concerted effort to trace the relationships of such a connection or to account for the origins and development of such ancient cultures.

In July, 1925, the writer discussed these matters with one of the most eminent American archaeologists, Dr. Sylvanus G. Morley, who urged that certain opinions then expressed should be embodied in the form of an hypothesis, for publication, to the end that the minds of other students might be directed toward the consideration and investigation of principles and problems thus involved. Inasmuch as it does not seem to have been subject to previous discussion, in concrete form, elsewhere, it is suggestively presented herein.

Of the earlier writers on themes pertaining to the subject of this discussion, either directly or indirectly, the names of Thomas

Jefferson and Albert Gallatin, each prolific in other lines of literary production, and each distinguished as well in civic leadership and in public service, should be mentioned. When they began writing on such lines, such branches of human knowledge as American archaeology and American ethnology were unknown. It follows, therefore, that the voluntary observations and writings of these two scientifically-minded thinkers, without intent or even thought of so doing, actually did initiate the beginnings of a new branch of human knowledge that, eventually, became classed as one of the sciences, now known as American anthropology. Jefferson is credited with having been the first to attempt to list the Indian tribes by name and location. Gallatin, a native of Switzerland, who arrived in America before the end of the Revolutionary War (though he had no part in that struggle), was the first to attempt to classify the Indian tribes into ethnic groups through the determination of linguistic relationships.

Jefferson believed in securing scientific information for the public benefit and at public expense. It was fortunate, indeed, that the acquisition of the French colonial Province of Louisiana was effected during his presidential administration, since it was he who decided that there should be extensive explorations of the new dominion. He personally selected, as the leaders of these exploring expeditions, such men as Captains Lewis and Clark and Lieutenant Pike. It was characteristic of him that he should enjoin upon the minds of these exploratory leaders the importance of preserving complete and accurate records of the journeys in which each might participate during the course of such service, relative to the geography, physiography, climate, soils, fauna, flora, and natural resources of the regions to be traversed; with the collection of adequate and thoroughly representative specimens for museum and herbarium, together with copious notes in the way of pertinent information concerning the indigenous human inhabitants of the regions thus visited.

Gallatin, who was a prolific writer upon a wide variety of themes of human interest, is said to have remarked, late in life, that he personally regarded the rest of his writings as being of

minor importance in comparison with what he had written about the American Indian race—a statement which, in view of subsequent developments in the way of knowledge concerning aboriginal American anthropology, would seem to have been fully justified.

Since the time when Jefferson and Gallatin were writing about such matters—away back in the fore part of the nineteenth century—there have been many other writers whose ideas on such themes have been set forth in books, in magazines, and in scientific reviews, but it may be stated that not all of these can be cited as being authoritative. Various and varied theories have been advanced as to origins, migrations, and cultural developments of ancient peoples in areas and locales long since abandoned. Some of these are so utterly lacking in reason and even possibility as to be absurd. Others are whimsical and fantastic as if designed to prove a preconceived pet theory, rather than to ascertain fact and demonstrate logical conclusions. On the other hand, there have been many earnest, sincere investigators, whose patient explorations, researches, and studies have contributed materially to definite scientific knowledge of a given theme such as that which is hereby brought to attention and consideration. It is of interest to remark in this connection that some of the earliest investigators, who lacked an opportunity to consult the opinions of others, preceding them, were among the most conservative in arriving at conclusions, such as those of Squier and Davis,¹ whereas, some of the more recent “investigators” have not only been hasty in reaching conclusions but also ever ready to draw inferences from far-fetched sources.

One of the comparatively recent contributions to the literature of the primitive and prehistoric life of the eastern portions of the United States is the monumentally important volume entitled “The Mound Builders,” of which Prof. Henry C. Shetrone, director and archaeologist of the Ohio Archaeological and Historical Society, is the author.²

¹ Ephriam G. Squier and Edwin H. Davis, “Ancient Monuments of the Mississippi Valley,” *Smithsonian Contributions to Knowledge* (Washington, 1848), I.

² Henry C. Shetrone, *The Mound-Builders* (New York, 1930), 484-5.

Some of the earlier theorists strove to identify the American aborigines as the descendants of the ten lost tribes of Israel. So, too, in more recent times, there have been lacking those who would ascribe to them a descent from a surviving fragment of the human inhabitants of the mythical "lost continent of Atlantis." These and several other theories have been partially or wholly passed up for a conclusion, more or less widely accepted, that the people of the native American race are descended from a Mongoloid ancestry which arrived on this continent from Asia by crossing the narrow sea passage between Siberia and Alaska, either in small seaworthy craft, or on the ice in winter time. Without giving the matter much thought, the writer hereof was once ready to accept that theory without qualifications, even though he would have been just as willing to believe that all of the multiplied millions of the Malasian and Mongolian races might just as readily prove to be of American descent with the migration moving westward, like the great continental migrations of the past, rather than eastward.

For the sake of argument, an Asiatic origin is granted in this paper, without wholly rejecting a theory of a measure of Atlantean contribution, as a result of which, the basic cultures of Southern Mexico, of Central America, and of the Andean Highlands might have been materially affected.

Any inter-continental migration across Bering Strait would have been from the Arctic coast of Siberia to the Arctic coast of Alaska, with the way open, at times, for further eastward migration, at other times clogged by ice. Such a movement would have been not improbably accidental and might, therefore, account for the origin of the Eskimo race much more readily than for that of the rest of the indigenous inhabitants of the Western Hemisphere. The suggested other possible route for such an inter-continental movement, from the vicinity of the Kamchatkan Peninsula to the tip end of the Aleutian chain of islands, farther southward, was more free of ice-barriers, and, moreover, it would have led to the mainland in Southwestern Alaska, where the maximum climatic effect of the temperate Japan Current would be manifest.

The Mongoloid inhabitants of the Kamchatkan coast country were seashore people; the source of their subsistence was almost, if not quite, wholly from marine life in its various forms. Such a migration was likewise not improbably accidental, with boats driven before gales of wind. After reaching the coast of the mainland, there would be a tendency to move occasionally farther down the Alaskan coast.

Through the ages, such a slow migration could have been kept up, with the flight of centuries and even of hundreds of generations, British Columbia, Puget Sound, the mouth of the Columbia, the Golden Gate, and Southern California, may have invited the location of small elements of the passing migrations, but such local populations seldom, if ever, passed eastward as far as the Great Plains or even to the Great Interior Basin.

The south-bound immigrants of this lagging advance were still seashore people—fisheaters, who had long since lost the last vestige of their Kamchatkan or Siberian culture, save the mechanics of their simple arts of seeking sustenance from wave and shore. The southern extremity of the Californian Peninsula was reached and the coast line of the enclosed gulf was skirted. This is not a matter of mere conjecture or surmise, for one island in that gulf was settled at that time and it has ever since been inhabited by the same sort of people. The traces of such ancient occupancy still exist on Tiburon Island. These traces tell of a depleted culture, of the most primitive form of human life—still seashore people, still fisheaters, unchanged from their wandering forebears in thought, custom, trait, or deed. But others went on to find the field for further development in southern Mexico and Central America.

A hundred, aye, possibly five hundred generations had passed since first those Asiatic ancestors had passed from the Siberian shore to the tip of the Aleutian chain; each generation, in turn, had been born, nurtured and reared to physical maturity, to reproduce its like and to pass into the shades of oblivion.

Of the original culture which had been transported across that narrow sea, only the crudely flaked blades of chert or quartzite, and the awls or needles of bone, fashioned to penetrating points with an abrasive of grooved sandstone, survived as implements and tools. The arts and crafts and handiwork of the future had to be recontrived and redeveloped as laboriously, yet no less certainly than the first artifacts of the first primitive man on the continent of Asia. Theirs was no alien culture from overseas; rather, it was as native to the soil as any of the grasses, herbs, shrubs, or trees of America that were not indigenously duplicated on the Eastern Hemisphere.

However, before such a people could progress very far in the line of arts and crafts, they had to solve the problem of a dependable food supply. Down there, where the land connection between the two Americas shrinks to a narrow dimension between the eastern and western oceans, these primitive men found a species of tall, coarse-stemmed grass, which produced, as seed, edible grains upon its vertically erect, spike-like tassel. They learned to plant and cultivate this product for the sake of its edible grain-like seeds. Whether by accident or by purposeful intent, these primitive men bred the grain-like seeds off of the spike-headed tassel to grow, instead, on cobs and branching ears, that sprang forth from the spindling stalk and then, by seed selection, they improved upon the quantity, or productiveness, and the quality, or food value, of the crop and thus was developed one of the most marvelous achievements in the annals of the plant breeders' art ever attained in any clime or in any time. The peanut, the sweet potato, the bean, and the cotton plant, and other vegetative species also lent themselves to useful plant development of these primitive tillers of the soil, even though men of a later day and of a professedly "superior" race are wont glibly to recite the saying that the native American race has "made no contribution to civilization." Then, these primitive agriculturists in Southern Mexico and Central America found certain tracts of land of comparatively restricted area, each of which had a fortunate combination of fertile soil and humid climate, upon which vast yields of human food might be produced by

agricultural means and at low economic cost. The existence of such a condition made for the development of density of population, which had to precede the possibility of a division of labor, and that, in turn, was essentially precedent to development in the arts and crafts.

Previous mention has been made of Prof. H. C. Shetrone's book, *Mound Builders*. He discusses the Mound-Builders and the American Indians of more recent times as being of Asiatic Mongoloid origin and as having migrated from Siberia to Alaska, across Bering Strait upon their own initiative and, presumably, bringing with them a degree of primitive culture that was already fairly well developed. He assumes that this inter-continental migratory movement was by navigation across the comparatively narrow marine interval between the nearest approach of the mainland shores of the two continents. Then, after the arrival and safe landing of the first human inhabitants on the North American continent has been thus explained, he proceeds to account for the dispersal and distribution of this primeval pioneering population by further migration in two directions; namely, (1) eastward and (2) southward.³

While this writer does not concur in all of Professor Shetrone's conclusions, it will be noted by readers of his book that his description of the cultural changes incident to those superinduced by life in subtropical and tropical environments is interesting in that it parallels very closely the conclusions at which this writer had independently arrived, years before Professor Shetrone's volume was published.

But the necessarily restricted areas of these racial swarming grounds in the tropical end of the continent naturally meant an over-population of such areas within a few generations at most. Either over-population, a protracted drouth, or the depletion of soil fertility would mean a real or prospective shortage of food, relief from the possibilities of which might have been sought by migration to a region where more extensive areas of tillable land

³ *Ibid.*, 484.

could be found. Other influences contributing to that same end might have been the proximity of a stronger and less kindly disposed neighbor who coveted the land thus occupied and utilized; or imperial colonization; or possibly, political discontent. In any event, or, at all events, this aggregation of small racial swarming grounds seems to have sent forth its surplus population in wave after wave of migration northward into what are now the eastern portions of the United States and Canada, just as certainly as the second Aryan swarming ground, around the lower Baltic, sent swarming hordes to overrun Central and Southern Europe and even across the Gibraltar narrows into Northern Africa, from the era of the Roman Republic down to and throughout the Danish, Gothic, and Norse invasions of the Middle Ages.

A particular instance in which skill and taste in culture as illustrated in the arts and crafts, and which remained practically unaffected by the flight of time, may be cited in the case of the mound group in the northern part of Le Flore County, Oklahoma, a few miles north of the town of Spiro, recently dissected under the direction of Dr. Forrest Clements, Anthropologist of the University of Oklahoma.

Reconstructing the story of this migration of the Mound-Builder ancestors of the Siouan peoples in some detail, it may be stated that they not only heaped up this interesting group of earth-works and, with their crudely fashioned stone implements of tillage, cleared some of the surrounding area of timber, brush, cane-brake, and grass, but they reduced its fertile virgin soil to cultivation for the production of crops of corn, beans, and other staples. This was not alone for their own sustenance, but also to supply other parties of their people who came up from the rear and passed on ahead to clear and plant other tracts and erect other mounds as markers of their progress toward a land of plenty, with fertile soils, with rivers and lakes and mountains and forests and vast hunting ground, which teemed with game and fish.

Thus, after all the rest of their migrating host had overtaken and passed them to push on through the wilderness to establish

new settlements, far in advance, the people of this settlement, prepared to leave this mound group and its surrounding corn patches and gardens, and, like the backbirds arising from the rear of the flock that follows the furrow of the plowman in the field, to alight close behind the plow, they, too, prepared to move again to the front to build new mounds or, as it were, to erect new altars, where new fields and gardens were to be cleared and the soil to be upturned for planting and tilling and harvesting. Thus, in the course of years, or possibly of decades or generations, though no manna fell from the heavens for their sustenance, they wanted not for food or raiment because of their own industry either in tilling the soil or in their quest of game and fish, and in time, a line of mounds, erected at extended intervals, marked the trail of their migration across the heart of Texas, across Southeastern Oklahoma and the width of Central Arkansas, to and beyond the Mississippi and the full length of Tennessee, though the passes of the Appalachian Mountains, along the upper reaches of the Tennessee River and out on the Piedmont Plateau, beyond, where they spread out to occupy the land, even as the Israelites did the land of Canaan; from the James River of Virginia, across the two Carolinas, unto the Savannah, which marks the border of Georgia. And in most of the mounds that mark the line of advance of more than one thousand miles, there are to be found ethnic type artifacts that bear faithful witness to the identity of the builders.

Through nearly, if not quite half, of a millenium the Siouan people dwelt in the beautiful Piedmont Plateau country.⁴ Then, however attractive it may have become to them, or however fondly devoted to it they had become, something caused them to abandon it and make a retromigratory movement westward. For some reason that has not been explained, but possibly because of the intrusive arrival of the Muskogean migrations into contiguous regions southward and southwestward, with a simultaneous manifestation of ruthless hostility by Iroquois on the east and northeast, almost the whole of the Siouan people seem to have obeyed a sudden

⁴ James Mooney, "Siouan Tribes of the East," *Bulletin* 22, U. S. Bureau of American Ethnology (Washington, 1894), 5-14.

and common impulse which caused them to abandon this habitat which they had occupied through many generations. In going, they did not retrace the route over which their ancestors had entered the region east of the Appalachian ranges. Instead, their withdrawal seems to have been made by way of "the Northern gate," as it were, making their way from the valleys of the James and Roanoke through the mountains, to those of the Kanawha and the Big Sandy and thence to that of the Ohio.

The westward trek was made in two divisions, the Northern branch being much the greater in size and including all of the large tribes of the later Sioux confederacy, of Minnesota and the Dakotas. The Southern Division included the parent stock of the Osage, Quapaw, Omaha, Kansa, and Ponca tribes. The route over which the main body of Northern Sioux made its way into the West and Northwest is unknown, though it is not improbable that a careful study of the type artifacts on ancient camp sites of the Great Lakes region might throw considerable light upon that matter. Be that as it may, however, it is known that the people of the Southern Sioux Division descended the Ohio River at the mouth of which the Mississippi River was crossed. There, this body was subdivided into the Osage, Omaha, and Quapaw, about 650 years ago. Within two or three centuries thereafter, some of the Osage came down into Le Flore County, Oklahoma, and pitched their camp in close proximity to the mound group, previously described as having been constructed during the course of the migration from the tropical and subtropical swarming ground. While encamped at the spot, only a few rods from the mound group which has been recently in the process of dissection by the crew from the University of Oklahoma, a number of members of this Osage band died and, when buried, part of the votive offerings, included with the burials, being ceremonial stone pipes, identical in design or pattern with those which had been deposited in the mound of the group when it was erected, at the time of the original migration, thus proving the presumptive descent from the Mound-Builders of the same locale and of a much more ancient era. More warlike and less industrious than their mound-building

ancestors, these people had probably failed to recognize this mound group as the handiwork of their own forefathers!

The writer is well aware that such an hypothesis is widely at variance to the long accepted theory of successive migrations from Northeastern Siberia to Alaska and of the spread from Alaska in all directions to people the continent. Yet to this it should suffice by way of rejoinder, to cite the fact that food supplies in Northeastern Siberia and in Alaska were insufficient and unsuited to make possible any extensive migrations therefrom, either primarily or in sequence. On the other hand, the evidences in support of this new hypothesis are numerous and corroborative, even though hitherto unsuspected or overlooked.

Naturally, this pronouncement calls for considerable explanation or elucidation. One of the first queries would be as to the method of transportation adopted for the movement of such throngs of people. Unlike our Aryan ancestral caravans or even the comparatively short journey of the Children of Israel from Egypt to Palestine, these migrating peoples from tropical or subtropical America had neither flocks nor herds nor beasts of burden. Some of the burdens that were carried were too heavy to have been transported far on the backs of men. Moreover, on a continuous line of march, their commissary and subsistence supplies would have constituted a respectable amount of freight, that would have overburdened any body of human beings who set forth afoot to march over a distance which extended through a wilderness of hundreds of miles, with neither roads nor broken trails.

These immigrants who crossed the Rio Grande between El Paso and Brownsville, doubtless explored portions of the present state of Texas as they passed through. Portions of the present states of Texas, Oklahoma, Louisiana, Arkansas, and Missouri were each traversed by some of them years before they had occasion to cross the Mississippi. That the areas embraced in these states, as well as much of the region east of the Mississippi, had been explored during the advance of these migrations seems not unlikely, though much advance exploration may not have been

necessary in all instances. The people who thus migrated from the tropical and subtropical end of the continent were Mound-Builders and they left memorials of their occupancy in Texas, Oklahoma, Louisiana, Arkansas, and Missouri, as well as in most of the states east of the Mississippi.

Those who incline to a belief in the theory that the central part of the continent was peopled by migrations from Alaska, usually regard and class Mound-Builder vestigia as originating in and emanating from "centers of a development of Mound-Builder culture," and as isolated instances of peculiarly or spontaneously sportive skill and ability; whereas, in reality, the fact that the Mound-Builder cultures were of alien origin and were transported to this country after being developed in the racial swarming grounds in tropical North America does not seem to have ever been strongly asserted heretofore, consequently; and, most assuredly, its mention should not be inappropriate or untimely now. The correlation of these Mound-Builder cultures with the traces of ancient life in the tropical and subtropical regions of the North American continent are not only well within the realms of possibility, but constitute a problem to the solution of which American Archaeology should be addressing itself. Oklahoma mounds yield evidence to support such a theory as indicated by results in earth-work dissection recently conducted under the direction of Dr. Forrest Clements, of the University of Oklahoma, near the town of Spiro, Le Flore County, previously mentioned in this paper.

Relative to the intrusive immigrations from the Mexican Plateau and Central America into that part of the United States and Canada, east of the Great Plains, there is not a need to suppose that the movement of peoples from these several subtropical swarming grounds should have been carried on by any program at any given season, time, or year. There is no reason to suppose that the quantity of people moving at any one time was very large. The movements of peoples in Europe, long under discussion and investigation, first seemed to be long caravan parades of organized people until further and more thorough studies have uncovered the fact that such migrations started slowly and progressed slowly

by infiltration of small units, families or tribes, from time to time over long periods. What has been called the Frankish invasion was really nothing but the few years of time marking the climax of an age-long, slow infiltration of Frankish peoples from beyond the Rhine into Gallo-Roman Territory. So with the American Indian. Why else the numerous ramifications of tribal and clan structures? It does not follow that any such migrations of people should be managed by any skilled mind to move from given point "x" in Mexico (or Germany), to given point "y" in the United States (or France), which would be the foreordained destination of the moving people. Rather did they move in every instance by trial and error, start and stop, forward and return, with no program at all involved.

In the case of the American continent, we know that this was the more probable because of the better climatic conditions existing throughout the southwest, from Mexico through to Nebraska. No student of climatic conditions will gainsay the fact that the now arid condition of our southwest is anything but an advancing condition; witness Dr. Paul B. Sear's *Deserts on the March*. Another proof of better climatic conditions for previous periods of this area is had in the remarks of those who accompanied Coronado. There is little reason to doubt that these agricultural people moved northward slowly, carrying with them their culture, with local occupancies sometimes lasting a generation or more.

One proof of the fact that the culture of the American Indian is a culture preserved against great odds and not one developing slowly *in situ* from rudimentary and elemental units, is found in the tradition of the Cheyenne Indian preserved in the writings of John H. Seger, to whom these traditions were told by an old Cheyenne chief, in which the statement is made that "The corn was lost"; the corn which they had had, as the means of sustenance, for untold generations.⁵ Where did they get this corn except from the place where it developed, artificially, in an evolu-

⁵ John H. Seger, "Traditions of the Cheyennes," *Chronicles of Oklahoma* (Oklahoma City, 1921-), VI (1928), 266-9.

tionary scale? And it was lost, remember, in the northern part of the United States.

At this juncture it seems well to advert to the matter of type-artifacts, to the significances of which many archaeologists pay no attention if, indeed, they have any knowledge thereof. These include implements, tools, utensils, weapons, ornaments, etc., the presence of which, on an archaeological site, enables one who is familiar therewith immediately to recognize and identify the ethnic stock of the people whose handiwork may be represented in or on such a given site or ruin. The type-artifacts which commonly offer marked distinctions are the mortar or metate, used in grinding grain, or in mascerating dried meat or desiccated roots, etc., the stone hoe used in soil tillage, the tobacco pipe, the form and decoration of pottery, ornaments, etc. As a rule the type-artifacts of two tribes of the same or closely related ethnic stock are nearly if not quite identical though, in some instances, there has been a noticeable variation or modification due to the influence of close association with the people of a distinctly different ethnic stock.

Some archaeologists refer to the Mound-Builders as if they were all of a single ethnic or linguistic stock, though, as a matter of fact, there were several distinct ethnic stocks, with pronounced ethnic distinctions including the Algonquin, Iroquoian, Siouan, Muskohogean, and Timuquan and others. It is believed that, as a rule, a single migration may have accounted for the introduction of a given ethnic culture, though it is not held that two Iroquois migrations did take place; namely, (1) the Southern (Cherokee) and (2) the Northern (Iroquois of the Great Lakes), with a brief interval between the two, as indicated by the *Walam Olum*,⁶ which is the migration legend of the Algonquian Lenna Lenape, or Delaware. This was secured, near the close of the first quarter of the nineteenth century, by Constantine Rafinesque, son of the French geologist. The younger Rafinesque obtained it in graphic form, subsequently working out a translation which was

⁶ For original text and translation of the *Walam Olum*, or Delaware migration legend, see Daniel G. Brinton, *The Lenape and their Legends*, (Brinton's Library of Aboriginal American Literature, No. 5, Philadelphia, 1885), 148-217.

reduced to writing. At first there were suspicions that his version was a forgery, or a hoax, but subsequent examination by later investigators, after his death, revealed the fact that it was genuine, though there were some inaccuracies.

The Algonquin migration was evidently a very large one, else it must have been a movement in several extensive divisions with more or less widely spaced intervals between. The marked differences in physical appearances, in physiognomy, etc., the great divergence in the Algonquian languages, and the variation in traits, customs and cultural distinctions are such as to be suggestive of the possibility of the absorption of earlier and more primitive stocks, such, for instance, as the Cave and Shelter Lodge people of the Ozark Plateau, an inference that is somewhat strengthened by the Delaware name of their own tribe, *Lenna Lenape*, meaning, literally, "pure people" or "unmixed people," which, for analogous reasons, is readily comparable with the origin and significance of the aristocratic *sangre azul*, or "blue blood" of the Gothic nobility after its settlement in Spain.

Though all were of the same ethnic stock, originally, there are at least three versions of the Creek migration legend, with the possibility of others, as yet untranslated, among the people of other cultural centers of the Creek people. It seems that the Creek migration preceded that of the Chickasaw and Choctaw people.⁷ If so, like that of the Algonquin, it evidently annexed and absorbed minor elements of more primitive and less cultured fragments or remnants or unrelated and less cultured ethnic stock or stocks of a previous era of occupancy, the effect and influence of which was to modify the language and culture of the first Muskhogean migration. The Chickasaw-Choctaw migration legend is quite distinct from that of the Creek or Muskogee people, thus proving that the two movements were not simultaneous.⁸ When the Chick-

⁷ The several versions of the Creek migration legends are to be found in Daniel G. Brinton, *A Migration Legend of the Creek Indians* (Brinton's Library of Aboriginal American Literature, No. 4, Philadelphia, 1884), I.

⁸ The Chickasaw-Choctaw migration legend was published in Horatio B. Cushman's *History of the Choctaw, Chickasaw and Natchez Indians* (Greenville, Texas, 1889), 62-5.

asaw-Choctaw migration followed, it was to find that the Creek conquest and annexation had cleared an extensive area of its previous population, thus permitting the people of the second Muskogean migration to effect a settlement that was free from contamination by alien or less cultured influences; consequently the language and culture of the Chickasaw and the Choctaw—and especially the latter—remained practically unchanged down until the beginning of the historical period.

In beginning the preparation of this paper, in the fore part of 1937, there seemed to be nothing known of the existence of any tradition among the Siouan peoples concerning an ancient migration from a tropical or subtropical swarming-ground. Before it was completed, however, it was learned that the late Mrs. Jennie Fornenia, a member of Yankton Sioux tribe, who died in 1920 at a very advanced age, and who was an official conservator of its traditional history, was wont to recite the story of the migration of her people from their ancient swarming-ground, in Southern Mexico or Central America, northward around the curving coast line of the Gulf of Mexico, toward the lower Rio Grande, where it crossed into the present United States.⁹

The only hint of a northward migration from an Iroquoian source is the following from General Milfort's book:

Big Warrior, chief of the Cherokees, as late as 1822, not only confirms their tradition that Mexico was their native country, but goes back to a more remote period for their origin and claims that his ancestors came from Asia; crossing Bering Strait in their canoes: thence down the Pacific coast to Mexico; thence to the country east of the Mississippi River, where they were first known to the Europeans.¹⁰

It is of interest to remark in this connection that Lieut. John J. Abert, Corps of Engineers, U. S. Army, was informed by the Cheyenne Indians in Southern Colorado where he was conducting an exploring expedition in 1846, that the earliest they knew

⁹ Personal information, secured by the writer, from Mr. DeWitt Hare, member of the Yankton Sioux tribe and grandson of Mr. La Fornenia, October, 1937.

¹⁰ Milfort (General), *Memoire ou Coup-d OEil rapide sur mes differens voyages et mon sejour dans la nation Creek* (Paris, 1802), quoted in Thomas W. Field, *An Essay Towards an Indian Bibliography* (New York, 1873), 274-5.

ancestors was when they came far northward into the country in various parts of which they have lived ever since.

Lieutenant Abert reports, writing of the Cheyenne:

These Indians, like those of all the tribes I have met with, pride themselves upon the antiquity of their origin. Like the Arcadians of old, who boasted that they were born before the moon was created, and like people of modern days, who trace their origin back until they become mystified. These Indians talk of their having descended from nations that lived long, long ago, and who came a long, long way to the north; endeavoring thus to give force to the idea, of the length of the time, and of the distance, by placing their hands close together, and then moving them slowly asunder; so slowly that they seem as if they would never complete the gesture.¹¹

The late James Mooney, of the National Museum, than whom there was no more discerning or devoted student of American ethnology, was firmly convinced of the tropical or subtropical origin of the cultures of the Indian peoples of the United States, east of the Rocky Mountains, though whether he left any written statements concerning that matter in his voluminous unpublished writings, at the time of his death, is not known.

It seems not improbable that the great Shoshonean and Athapascan stocks may also have been in these successive migratory movements. In submitting this statement, the writer is well aware that it is contrary to the generally accepted canons of belief that the Athapascan people of Northwestern British America and of Eastern and Southern Alaska are directly descended from the last Asiatic trans-Bering migration and impious, indeed, is he who ventures thus ruthlessly to mar such a theory that has gained respectability due to age and its hitherto unchallenged sentimental association. To be sure, the Southern Athapascan peoples are well supplied with traditions of a far northern origin, but whence came these traditions? Is it not just possible that such traditions may have been introduced from extra racial sources? The writer is not

¹¹ W. H. Emory. "Notes of a Military Reconnaissance from Fort Leavenworth, in Missouri, to San Diego . . ." *Senate Ex. Doc.* No. 7, 30th Cong., 1st Sess. (Washington, 1848), 426.

lacking in a spirit of due veneration for teachings which have the sanctions of age and sincerity, with at least a semblance of justification in fact, but, further than that, he cannot follow, merely to help support a weak theory. It so happens in this instance that he has been privileged to delve in the ruined village sites of the Plains Athapascan—the proto-Apache of four centuries ago—who made earthenware pottery and grew maize or Indian corn, two arts which they could not have learned from any other people between their range in the Panhandle regions of Oklahoma and Texas, and the far northern habitat of their kinsmen, the Athapasca, proper. A comparison of type-artifacts from northern and southern Athapascan village or camp sites before either came under European influence or into European contact, might be very instructive in this connection. The great Athapascan group possibly failed to reach or to cross the Mississippi and was thus left to engage in aimless wandering on or near the eastern edge of the Great Plains, under circumstances that caused a rapid deterioration of cultural refinement, and finally reaching the semi-arid high plains where they “lost the corn,” as other Indian peoples have done in more recent times. It is reasonable to assume that, during the course of this aimless wandering, there were two losses from secession or withdrawal, or unintentional separation, leading to the formation of the Navajo and Apache groups, which drew off toward the Southwest. Then, with the Assiniboin, the Blackfeet, the Cree, and the Crown behind them, they may have been driven much farther to the northward where they were forced to live wholly by the chase.

Much of our knowledge of ancient human life is speculative, hypothetical, and easily subject to misinterpretation; yet, even so, men learn to read it as they decipher the meaning of graphic symbolism, petroglyph, and pictograph. The science of indigenous anthropology in America has been chiefly developed within the past century. Had its development been three centuries earlier, and had the humanitarian impulses of civilized men been subject to the same refined and cultural influences that they now are, this world might have been enabled to avail itself of all that was

best in the people of the aboriginal American race; history would read very differently from what it does and the sum total of human happiness would have been much greater than it has been. Despite the destructive influences with which the people of the native American race have had to contend, they still live in literature, art, and spirit—as positive factors in national life, into which they are now being incorporated as civic elements. Government Indian policies, once so crude and inconsiderate in the treatment of Indian people, have been so modified and reformed as to be of beneficent value, deserving to be cherished as a worthy achievement, such as no other civilized state ever before deigned to extend, even in a belated way, to any primitive people prior to very modern times.

In concluding this brief paper, the writer trusts that it may not seem presumptuous to summarize some of its contents by way of emphasis in the matter of suggestions as to means and methods of procedure in the further exploration and study of American Archaeology. First to be so stressed is the importance of a thorough investigation of the subject of the positive identification of type-artifacts, their systematic classification and more general use. With a full and accurate knowledge of this as a basis, the way should be open for surveys and significances of prehistoric migrations and occupancies. Moreover, with a selected collection of type-artifacts from this side of the Rio Grande, in a careful comparison with specimens in the public museums of Mexico and Central America, the location and identification of pre-migrant swarming-grounds should be well within the bounds of possibility.

Another phase of the problem would be the differentiation and identification of artifacts of known ethnic origin or culture in a more recent period or era and the correlation thereof with those of some one or another of the Mound-Builder cultures. This may seem rashly venturesome, but the fact is that arts and crafts of some of the cultures which existed down to the beginning of the historical period, were so nearly duplicates of some of those ancient forerunners as to render it difficult in some instances, to

state definitely just where archaeology ends and where ethnology begins.

In addition to evidences as to the credibility of this hypothesis already presented, there are others that have recently become available for citation in such connection, besides many others which might be brought into such use by careful research among the writings of previous writers and collectors. Of such, the following may be cited: (a) There were six or seven species of tobacco indigenous to the North American continent, with habitats scattered between the southern portions of Arizona and California, on the north, and the Isthmus of Panama, on the south. *Nicotiniana tabacum* the species that was in cultivation among the people of the Indian tribes, north of the Gulf of Mexico and east of the Mississippi River (i. e., the Mound-Builder regions), and the one which was introduced into England during the Sixteenth Century and which is now in cultivation in various countries on all of the continents, is the only species of the group that was or is indigenous in the southern part of Central America. How were its seeds brought to the eastern part of the present United States if not brought by a migrating people? (b) A bowl-shaped mortar or metate, fashioned from "honeycomb" lava was plowed up in a field near Morris, Muskogee County, Oklahoma, several years ago. Lava of that sort, common in Southern Mexico and Central America, is not found in Oklahoma except in or near the stream beds of torrential rivers in the extreme western part of the state, and metates of the type of this specimen are unknown in the last mentioned region. (c) In McCurtain County, in southeastern Oklahoma, earthenware pottery of typical Northern Iroquois model and decorative pattern, has been unearthed. (d) A cache or deposit of ornamentally flaked ceremonial chert blades was recently uncovered beneath a prehistoric grave in Delaware County, Oklahoma, the like of which are said not to have been previously found except in British Honduras.

The presentation of this preliminary statement of such an hypothesis has been long delayed, since the possibility of its preparation first came under consideration early in 1914. Other investi-

gators, more fortunately situated, could have covered the ground much more expeditiously and probably could have presented such a discussion more intelligibly. It is understood that several other investigators have been at work upon similar hypothesis in recent years. Doubtless, when some one or more of these shall have been completed and such papers published, it will be found that some, if not all of them, are much more thorough and exhaustive in discussion of the subject than this one. Nevertheless, there seems to be abundant reason why the matter should be brought to the attention of an interested public at this time.

The problem thus set forth for solution is too extensive to be worked out in all its phases by any single investigator. Rather, it is not improbable that its complete solution calls for the coordinated effort of several scientific institutions, with many field and research workers in collaboration. Surely the result of such a united effort should abundantly justify its projection.

There is no more important archaeological field in the United States than that which is embraced in the states of Texas, Oklahoma, Arkansas, Louisiana, and Missouri, where the Mound-Builder people first landed in the United States and made their mark in a large way.¹²

¹² Dr. J. B. Thoburn is Junior Editor of the Historical Records Survey, Oklahoma City, Oklahoma.

BOOK REVIEWS

Washington Irving on the Prairie. By Henry Leavitt Ellsworth. Edited by Stanley T. Williams and Barbara D. Simison. (New York City: The American Book Company, 1937. 152 pp. \$3.50.)

This is the third of three classic accounts of the famous journey westward from Fort Gibson in the fall of 1832, through a portion of the country now included in the state of Oklahoma. This book was off the press in February, 1938, having been delayed from its planned issuance in 1937.

Washington Irving of New York and Charles Joseph Latrobe of England accompanied the Indian Commissioner, Henry L. Ellsworth, on an inspection of the prairie country west of the Cross Timbers roughly described as a westward ellipse through the Tulsa, Stillwater, Oklahoma City, and Okmulgee districts and back to Fort Gibson. Irving described it in "A Tour on the Prairies" in 1835 and Latrobe in "The Rambler in North America" in the same year.

After the return to Fort Gibson, Ellsworth, under date of November 17, 1832, while resting at the fort, wrote a narrative from his journal describing his experiences on the trip. It was addressed to his wife at his home in Hartford, Connecticut, and for over a century has remained unpublished. It required 148 pages of this book to print this letter to his wife. The original manuscript now reposes in the library of Yale University at New Haven. Numerous footnotes are supplied by the literary editors who are connected with the English Department of Yale. Mr. Williams is, without doubt, the foremost authority on the life and works of Washington Irving and this book adds notably to his Irvingiana.

This is a most fascinating story with new information relative to that trip through the prairie country which ranks first in the

traditions and history of Oklahoma. Ellsworth describes the trip in a manner to give a clear understanding of many points not mentioned by either Irving or Latrobe. He covers much of a personal nature relative to members of the party and their experiences as well as describing incidents of the tour. Those who have read in detail the accounts of Irving and Latrobe will be delighted to read the Ellsworth narrative to complete the picture of what these explorers found and encountered in Oklahoma now over 104 years ago.

The publication of this rare American manuscript has long been awaited by historians in the southwest and the editors are to be thanked for making it available in such an attractive edition.

—James H. Gardner

Tulsa, Oklahoma

Adventure on Red River. By Randolph B. Marcy, edited and annotated by Grant Foreman. (Norman: University of Oklahoma Press, 1937. xxxi+ 199 pp. Illustrations, map, index. \$2.50.)

This book was first published in 1854 as a House Executive Document under the title, *Exploration of the Red River of Louisiana in the Year 1852*. It is the official report of the expedition of Captain Marcy and Captain George B. McClellan to the source of the Red River, with careful descriptions of the topography, the soil, the plants and animals, and the wild Indians of that previously unknown region. It has long been known as one of the most attractive and readable books ever written about Oklahoma and the Texas Panhandle, but it has been out of print for many years. Now, thanks to the University Press, it is offered again in convenient form.

Marcy writes in a fresh and vigorous style, and he carries the reader to a clean and unspoiled land. He shows the rich diversity of stream and prairie and woodland in what is now southwestern Oklahoma, the rugged masses of the Wichitas, the austere and

savage beauty of the Staked Plains, and the lonely grandeur of the Palo Duro Canyon. With the enjoyment of the intelligent observer he notices the habits of the prairie dogs, he describes the experiences of the buffalo hunt, and he collects all possible information regarding the habits and customs of the Indians. His book will be used by the scholar and historian at the same time that it will delight the small boy and all lovers of brave tales well told.

The value of this reprint is greatly increased by the able editing. Unobtrusively but surely Dr. Foreman has supplied the necessary biographical and historical background, and he has traced the route of the expedition in a way that is very helpful to the modern reader. Only in the upper reaches of the canyon is he confessedly out of his locale. It is fairly clear from Marcy's account that he came up the Palo Duro to the forks just below the present town of Canyon, Texas, from which place he took the southern, or Terra Blanco, fork and followed it to its source; but his directions and measurements and descriptions do not correspond with known facts. When some future scholar comes to write the history of the Texas Panhandle, even as Foreman has reconstructed the vanished past of Oklahoma, this part of the route also will be clearly traced.

—Angie Debo

Marshall, Oklahoma

Trumpets Calling. By Dora Aydelotte. (New York City: D. Appleton-Century Company, 1938. 391 pp. \$2.00.)

Pioneer days in Oklahoma have served as a theme for more than one novelist, for historians, and for scenario writers in search of colorful material. And much of what has been written has described the glamour and the romance of the period.

Now comes Dora Aydelotte's latest novel *Trumpets Calling*, which, though not disregarding romance and color, does present the picture from a new point of view. She takes us into the everyday lives, the toils, the struggles, and the achievements of

those plain prairie people who conquered the wilderness and built the foundations for the towns and cities which now prosper on what was the bleak, naked lands of those pioneer days.

Miss Aydelotte's novel recalls the period of 1893 and the opening of the Cherokee Strip. She paints a vivid picture of land-hungry pilgrims surging ahead in a mad dash to stake the best locations, the finest lots.

And among the pilgrims we find the Prawls whose pioneer experiences form the heart of the story. There were Dave Prawl, Martha, his wife, and their three children, Ben, Alma, and Ernie. The covered wagon was home to the family because Dave Prawl had the wanderlust and he had kept his family constantly on the move in search of better things just ahead.

But Martha Prawl had a fundamental longing for a home, for permanency, for a hearth fire instead of camp fires. And when she followed Dave on the Cherokee Run, she had declared this journey to be the end of journeyings in search of a home. Here in this sun-baked, dust-veiled land would she set the stakes for that permanent home which had been her aspiration from childhood.

It was Martha's courage, determination, and strength that went into the fulfillment of that dream home, for Dave was useless in the long pull and the steady grind of heart-breaking toil. He shone like a meteor in the exciting episodes connected with pioneering in new country. We find him intimately concerned with the dubious enterprises which finally brought the "dee-po" and the court house to the struggling town of Cloud Chief. But the developments of the Prawl homesite fell to Martha and the boys.

It was Martha Prawl who unhesitatingly answered the trumpet calls of need, illness, and suffering which echoed constantly through the fledgling township—and, at the same time, guided her own nestlings through their adolescent problems.

There was Ben's tragic experience in his love for lovely Sarah Wolfe, his marriage plans shattered by the unhappy episode of Sarah's unfortunate sister. The gripping chapters treating of Ben

Prawl's unhappiness will leave no reader unmoved. Through them moved Martha, his mother, understanding and sympathetic, ever guiding Ben into decent behavior and finally seeing him reunited in a blessed marriage with Sarah.

There was Alma Prawl, drifting carelessly through a flirtatious adolescence and finally eloping with the dashing cowboy whose heroic action once snatched her from swift and certain death. It was Martha's sound common sense that helped the young couple through the difficulties and disappointments of their early married life and in the end Martha had the joy of seeing them prosperous and happy in a family life of their own.

With the passing years the Prawl homesite outgrew the original tiny pine shack and was replaced by a shining modern cottage. Only one shadow veiled Martha's happiness in it. Dave Prawl was no longer there to share her pride in the dream home, for in the typhoid epidemic of 1904 he closed his eyes in his last sleep.

Widowed, but not desolated, was Martha Prawl; for her three children struck roots beside her in that new land and were at her side to comfort and advise.

Through the twenty years during which Martha had moved like an angel of mercy through the growing community—she had forever remained the cheerful unassuming woman—in her own words "A plain prairie woman with sand burrs in my skirts."

So, when in 1914 the town celebrated its twentieth anniversary, Martha was totally unprepared for the public ceremony at which the townsfolk accord her full honors as "The Pioneer Mother" without whose courage and strength and effort the town of Cloud Chief would never have become "The Garden Spot of the World."

Speechless before the crowd's insistence for "Speech—speech, Miz Prawl," Martha stood looking through a mist of tears, seeing the past with its struggles and anxieties, but hearing through the applause of the crowds only the silver trumpets calling to further service, further striving, further accomplishment.

This is no pretentious novel—and herein lies its chief charm. For Miss Aydelotte has given us that deeper thing, —the sense of reality of her characters. They move through the book endearingly human, familiar, friendly, in a story the honesty of which makes it both great and good.

—Helen B. Schuyler.

Oklahoma City, Oklahoma

Carbine and Lance, the Story of Old Fort Sill. By Captain W. S. Nye. (Norman: The University of Oklahoma Press, 1937. XVIII+ 441 pp. \$3.00.)

This is the definitive history of Fort Sill, giving different angles of the treatment of the United States Government of the southwest plains tribes and the reactions of the Indians to their "white father." The reader is treated to the history of these plains tribes who, "in a single life-span, have passed from the Stone Age to the era of the eight-cylinder motor car and low-wing monoplane."

A common fault of many early books about the red man written by the white man was that they gave only the white man's side; in recent years some books have told only about the white man's infamous treatment of the Indians. Captain W. S. Nye has tried to give, in an unbiased way, not only the actions of both races, but the circumstances and their heritage which caused them to act as they did.

The written sources of material for this book include old letters, papers, and reports in the Field Artillery School Library; old files of the Adjutant General's Office in Washington; papers of Generals Sherman and Sheridan in the Manuscripts Division of the Library of Congress; and old files of the *Army and Navy Journal*. Besides these, he gained valuable information from William H. Quinette, the storekeeper at Fort Sill, and George Hunt, a Kiowa. Through Hunt, Nye was able to talk with many of the old Kiowas who had lived through much of these incidents.

The chapter dealing with the missionary work among these Indians is particularly good and even it is not without its humor, which is one of the attractive features of the book. We are told of the preacher of whom the Indians said "He is mad at us" because he shouted and shook his fists. Again we are told that they created quite a deal of disturbance at their disappointment at not being fed when the preacher had prayed "Give us this day our daily bread."

Only rarely do we find a book that can be called both historically authoritative and beautifully written. But in *Carbine and Lance* we have such a book. We can but wonder whether Captain Nye's close association with his Indian friends has not imparted to him some of the poetic quality of their speech which is to be found in his writing. For simple beauty listen to "All through the night the weary troopers plodded over starlit prairie, or felt their way gingerly through black creek bottoms and treacherous prairie-dog towns. Toward morning they plunged into a chill blanket of fog, which hung motionless in the autumn air, clinging close to the billows of the plains." And again read "Fifty angry bowstrings were plucked as in the sudden pizzicato of a symphony orchestra. A chorus of yells and screams broke out. Five quivering Pawnees lay scalped on the grass."

The book abounds in photographic illustrations and has some maps. There are appendices, one on the present field artillery school at Fort Sill, a glossary of place names on the Fort Sill reservation, and a splendid index.

Carbine and Lance should prove helpful to the student in historical research, but it should do more: it should prove delightful to every Oklahoman who would know more of that interesting corner of his state and to every lover of the history of the old southwest. Here are made to live again with all their color, their heroism, and their pathos such redmen as Satank, Satanta, Geronimo, Lone Wolf, and Big Tree. A book so carefully, so beautifully, and so interestingly written deserves a wide reading.

—C. D. M.

MINUTES OF THE QUARTERLY MEETING OF THE BOARD OF DIRECTORS OF THE OKLAHOMA HISTORICAL SOCIETY.

January 27, 1938.

The regular first quarterly meeting of the Board of Directors of the Oklahoma Historical Society convened in the Historical building, Oklahoma City, Oklahoma, January 27, 1938, at 10:00 A. M., with Judge Thomas H. Doyle, President, presiding.

The Secretary called the roll which showed the following members present: Gen. Charles F. Barrett, Judge Harry Campbell, Judge Thomas H. Doyle, Judge Thomas A. Edwards, Mr. George H. Evans, Dr. Grant Foreman, Dr. Emma Estill-Harbour, Judge Samuel W. Hayes, Judge Robert A. Hefner, Gen. William S. Key, Mrs. Frank Korn, Col. A. N. Leecraft, Mrs. Blanche Lucas, Mr. John B. Meserve, Mrs. Jessie E. Moore, Mr. Jasper Sipes, Judge Baxter Taylor, Dr. Joseph B. Thoburn, Judge William P. Thompson, Mrs. John R. Williams, Judge R. L. Williams and James W. Moffitt, the Secretary.

The following members had reported their inability to attend: Dr. E. E. Dale, Mrs. Roberta C. Lawson and Mr. W. J. Peterson.

The Secretary presented the minutes of the meeting of the Board of Directors, held October 28, 1937, and upon motion of Judge R. L. Williams the reading of the minutes was dispensed with, since they were printed in the December, 1937, number of **The Chronicles of Oklahoma**.

Mrs. Jessie R. Moore, Treasurer, read her report for the fourth quarter, also her annual report of the finances of the Society, which the President ordered received and filed.

Judge R. L. Williams reported that the Robert M. Jones cemetery project had been completed, and that the cornerstone would be laid and dedicated on April 26, 1938; and moved that the money authorized for the purchase of a copper plaque be used either for a copper plaque or marble stone. Motion was seconded and carried.

Judge R. L. Williams reported that the Sequoyah project had been completed with the exception of landscaping the grounds.

Col. A. N. Leecraft moved that \$175.00 of the extra help funds be set aside and authorized for payment for an experienced person or a horticulturist to supervise the planting of shrubs, bushes and trees, and necessary landscaping in the Sequoyah Home Park. Motion was seconded and carried.

Dr. Grant Foreman reported on the WPA project sponsored by the Oklahoma Historical Society for cataloguing and indexing newspapers and other periodicals and manuscripts and moved that the project be extended for another six months or less as may be necessary after July 1, 1938, the Society acting as sponsors, and that authority to act be granted to the officers of the Society for such purpose. Motion was seconded and carried.

Dr. Grant Foreman reported on the Indian-Pioneer History project and moved that the Secretary be authorized to execute and do all acts

necessary for approval for renewal of the contract for extending the project for another six months from the ending of the present project, or such extension as can be secured. Motion was seconded and carried.

Judge Samuel W. Hayes moved that \$150.00 of the private funds of the Society, or as much of this amount as is necessary, be set aside and authorized for payment to carry on the work of the Indian-Pioneer History project. Motion was seconded and carried.

Dr. Grant Foreman discussed ways of inducing a more extended use of the library and other departments of the Historical Society, suggesting that a booklet be prepared describing the various educational features of the Historical Society, to be printed for distribution.

Judge R. A. Hefner moved that Dr. Grant Foreman be requested to prepare the material for such a booklet. Motion was seconded and carried.

Dr. Grant Foreman presented the request of W. Greig Lewis, superintendent of the public schools at Watts, Oklahoma, to have a marker erected at old Fort Wayne.

Judge T. A. Edwards moved that this request be referred to the committee for marking historical spots, of which Mr. James H. Gardner is chairman. Motion was seconded and carried.

A communication was read from Prof. Eula E. Fullerton of the Northeastern State Teachers College in regard to the annual meeting of the Society that is to be held at Tahlequah.

Judge William P. Thompson moved that the Board set the date of the annual meeting as of May 5-6, 1938. Motion was seconded and carried.

Mrs. Jessie E. Moore, chairman of the committee on restoration of the old Chickasaw council house at Tishomingo, reported that the work had not been completed.

Mrs. Jessie E. Moore thanked the members of the Board of Directors for commemorating the 100th anniversary of the coming of the Chickasaws to Oklahoma, and in behalf of the Chickasaws tendered their deep appreciation.

The Secretary read his annual report on the activities of the Society, and his visit to the meeting of the American Historical Association held at Philadelphia, Penna., December 29-31, 1937.

The President presented the claim of the Secretary for traveling expenses incurred in attending the meeting of the American Historical Association at Philadelphia, amounting to \$49.98.

Col. A. N. Leecraft moved that the claim be allowed, and voucher be approved for payment of same. Dr. Emma Estill-Harbour seconded the motion which was carried, and the President or any Vice-President is authorized to sign for the Society in approving the voucher.

Mr. Jasper Sipes requested the Secretary to read a letter from Mrs. Frank Phillips announcing the gift of a portrait of Mr. Frank Phillips to be presented to the Society, which was received with an expression of thanks.

On motion of Judge Thomas A. Edwards, duly seconded, the meeting of the Board of Directors was resolved into an executive session to hear the report of the committee on employees and also to elect the officers of the Society.

The executive session being ended, the regular order of business was resumed.

Mrs. John R. Williams, Chairman of the membership committee, presented the following list of applicants for annual membership in the Society:

Mrs. George Burris, Ada; Mrs. Lillie Byrd Dickerson, El Paso, Texas; John B. Fink, Oklahoma City; Walter H. Foth, Cordell; E. A. Gourd, Rose-dale; William D. Gray, Winter Haven, Florida; Thomas C. Humphry, Jr., Tulsa; Whit Ingram, Oklahoma City; Mrs. Laura Pierce Kendall, Oklahoma City; R. Vinson Lackey, Tulsa; Newton Melville, Arkansas City, Kansas; Oscar E. Payne, Tulsa; Gilbert L. Robinson, Oklahoma City; John W. Ryle, Norman; Mrs. S. J. Soldani, Ponca City; Louise Thomson, Meeker; Thomas Waters, Hennessey; Mrs. Charles Lincoln White, Oklahoma City; John M. Wilson, Tulsa.

Motion was made, seconded and carried that all applicants whose names were presented for membership in the Society be elected.

Judge William P. Thompson, on behalf of Mrs. Al Berger, of Vinita, Oklahoma, presented to the Society three rare volumes and two early commissions. A vote of thanks was extended expressing the appreciation of the Board of Directors therefor.

The term of office of the following members of the Board of Directors was extended for an additional five years by being duly re-elected to succeed themselves, to-wit: Judge Thomas H. Doyle, Mrs. Roberta C. Lawson, Col. A. N. Leecraft, Judge John B. Meserve and Mr. W. J. Peterson.

The meeting stood adjourned.

Judge Thomas H. Doyle, President,
Presiding.

James W. Moffitt,
Secretary.

MINUTES OF A SPECIAL MEETING OF THE OKLAHOMA HISTORICAL SOCIETY,

At 2:15 P. M., February 13, 1938

The President, Robert L. Williams, called the meeting to order in the auditorium of the Oklahoma Historical Building at 2:15 p. m., February 13, 1938. The following members of the Board of Directors were present: Judge Robert L. Williams, President; Dr. Emma Estill-Harbour, Vice-President; Judge Thomas H. Doyle, President Emeritus; Mrs. Jessie R. Moore, Treasurer; Gov. E. W. Marland, ExOfficio member of the board, Gen. Charles F. Barrett, Judge Harry Campbell, Judge Robert A. Hefner, Mrs. Frank Korn, Mrs. Blanche Lucas, Judge William P. Thompson, Judge Baxter Taylor, and Mrs. John R. Williams. A large number of members of the society and visitors also were present.

As a fitting prelude to the meeting, floral offerings were dropped in front of the Historical Building by the Southwestern Aviators Association in memorial flight under the leadership of Lieut. Jerry B. Sass. On calling the meeting to order, the President presented the Indian Glee club from Mountain View, Oklahoma, who sang "America" after which the invocation was given by Dr. W. R. White, Pastor of the First Baptist Church at Oklahoma City, Oklahoma. The President then introduced Mr. Moss Patterson, President of the Oklahoma Transportation Company, as chairman of the committee, to unveil and present the busts of the late Will Rogers and Wiley Post. He, accordingly, as the representative of Mr. Frank Phillips of Bartlesville, Oklahoma, the donor, unveiled same. He, referring to Mr. Herbert Adams, the sculptor, who was selected by a committee, approved by the donor and the immediate surviving relatives, also presented and introduced to the Society and audience Mrs. Mae Post and Mrs. W. F. Post, wife and mother of Wiley Post, explaining that Mrs. Sally McSpadden, of Chelsea, Oklahoma, sister of Will Rogers, could not be present on account of serious illness, and also read a telegram from Mrs. Will Rogers commending the thoughtfulness and beneficence of Mr. Phillips. Mr. Patterson stated that Mr. Phillips had requested that his name be kept in the background in these proceedings. The committee members, Mrs. Sally McSpadden, Mrs. Mae Post, Mrs. Will Rogers, Jerry B. Sass, Billy Parker, and James W. Moffitt, Secretary of the Oklahoma Historical Society, as well as the Society, were thanked for their cooperation.

Mr. George Hunt, of Mountain View, Oklahoma, a member of the Kiowa Tribe of Indians, in a brief address, expressed appreciation for the acts of kindness of Will Rogers and Wiley Post toward the Indians of Western Oklahoma.

The President again presented the Indian Glee club, accompanied by Mr. Hunt. The club, after singing, retired in order to catch a bus to return to their homes that afternoon; the President having thanked them and Mr. Hunt on behalf of the Society for their attendance and singing, and the interpretation by the young woman (Miss Lutie Goombi, the granddaughter of Millie Durgan) of the words of the songs in the Kiowa language, an outstanding feature of the program.

The President then introduced Governor E. W. Marland who made an address and accepted the busts on the part of the state. "War-like nations honor their war dead, their war heroes," he said. "But Americans are

lovers of peace, and we are gathered here today to honor our peace-time heroes, Will Rogers and Wiley Post."

The President then presented Judge Thomas H. Doyle, President Emeritus, who on behalf of the Society, thanked Mr. Phillips and gave an address appropriate to the occasion.¹

The President then presented the Hon. Monroe Osborn, Chief Justice of the Supreme Court of Oklahoma, a citizen of Garvin County, the place of residence of Wiley Post, who expressed appreciation of the thoughtfulness and beneficence of the modest donor. He also paid tribute to Wiley Post and Will Rogers as pioneers who as great heroes coined the splendid traditions of great heroes. In closing he acknowledged the debt of future ages to them.

The President, on behalf of the Board of Directors of the Oklahoma Historical Society, accepted the custody of the two busts with the assurance they would be properly and appropriately placed in the Historical Society and carefully and faithfully preserved. He went on to say that it was the mandatory duty of the Historical Society to preserve busts, paintings, and records to perpetuate the achievements of the departed great. He requested the cooperation of the people of the state by joining as members of the Society and otherwise to cooperate in this laudable work. He also expressed the appreciation of the Board of Directors of the Society to the donor and the committee and thanks to the audience for their presence.

The benediction was then given by Alva R. Hutchinson, Pastor of the Epworth Methodist Episcopal Church, South, Oklahoma City. The meeting then stood adjourned.

ROBERT L. WILLIAMS, President
Presiding.

JAMES W. MOFFITT, Secretary.

¹ This address is printed in full in another section of this issue of *The Chronicles of Oklahoma*.

NECROLOGY

JOSEPH JOHN CURL 1868-1934

Joseph John Curl, son of John Curl and his wife, Ann Curl, was born at Bristol, England, on July 23, 1868, and in his early youth came with his parents to the United States, and resided in Cleveland, Ohio, and in St. Louis, Missouri, at which places he received his education through the public schools. He was married on September 14, 1893, to Violet Hamilton Case.

In 1903, he came from Cleveland, Ohio, settling at Bartlesville in the Indian Territory, where he organized the Almeda Oil Company, and engaged in the oil leasing business and the production of oil, drilling on a lease located in the Osage Nation just across the Cherokee line about four miles southwest of Bartlesville. At about this time he also promoted and built the Almeda Hotel, which is still being operated, and then he promoted and built a street-car line in Bartlesville and an interurban line to Dewey, which was known as the Bartlesville Interurban Railroad. Afterwards, he consummated a deal with the Henry L. Doherty Company of New York, by which the Interurban Railroad and plant were taken over by them.

In 1906, he was elected on the Democratic ticket as a delegate to the Constitutional Convention from the Bartlesville district. He was a capable and a faithful member.

After the interurban line was sold to the Henry L. Doherty Company, he returned to Cleveland, Ohio, where he lived until the time of his death on March 22, 1934, at Glenville Hospital, and he was buried in Acacia Park Cemetery.

He was a high-type citizen with ability and industry and his return to Cleveland was a distinct loss to the State of Oklahoma.

— R. L. Williams,

United States Circuit Court of Appeals, Tenth Circuit.



JOSEPH JOHN CURL



ALBERT L. KATES

ALBERT L. KATES

1861-1938

Albert Linwood Kates was born in Salem County, New Jersey, April 27, 1861 of respectable tenant farmer parentage. He died January 5, 1938. He attended the rural public schools until he was fifteen years old when he assumed active work on the farm, though even at that period of his life he had expressed the hope that he might some day be a newspaper man. On January 1, 1882, he became a printer's apprentice in the office of the Woodstown (N. J.) *Register*, working sixty hours a week for two dollars. After some time here, he spent several years as a journeyman printer and as a potential journalist in the east. On December 23, 1886, he married Nellie C. Moore, at Swedesboro, N. J. They had five children, of whom two sons, William C. and Harry, survive, long having been associated with their father in the publishing business. Deciding to move to the west, he found that he could purchase a small and comparatively recently founded local newspaper at the then practically unknown town of Claremore in the Cherokee Nation of the Indian Territory. He bought the Claremore *Progress* by wire, without having seen the plant and business which he was buying, and arrived in Claremore with his wife and two baby boys, on June 29, 1893. Starting with an antique Army press, some type, and a job press that was operated with a lever, his business grew and prospered with the town and state. He also built a home in that community and a measure of character and of influence that will live in its traditions and in the lives of its people. Although always disposed to peace and harmony, he did not hesitate to stand alone when he thought himself to be right. He was one of the two editors in the Indian Territory who stood for single statehood when the question arose.

Mr. Kates was a man of great charity of spirit. It is said of him that, although he was not affiliated with any religious denomination, he was fair in his treatment of all. Modest and unassuming, he received many honors at the hands of his fellow citizens. Only a few weeks before the end of his life, the Oklahoma Memorial Association singled him out to be honored for his long and useful life. He was also an honorary life member of the Oklahoma Historical Society.

When his end on earth came suddenly, Claremore mourned as it had done only for Captain Clem Vann Rogers and for Will Rogers. Mrs. Kates, who had contributed her full part to the inspiration of his successful career, had passed on in May, 1933, nearly five years before his going. These worthy pioneer community builders will be long and lovingly remembered by the people of Claremore and of Rogers County.

— Joseph B. Thoburn,

Historical Records Survey.

DR. RICHARD L. FITE
1856-1938

Richard Lafayette Fite was born at Pinelog, Bartow county, Georgia, October 17, 1856. He died at Tahlequah, Oklahoma, January 1, 1938. He was the son of Henderson Wesley Fite and Sarah Turner Denman Fite.

His father, H. W. Fite (original name Voight), was a descendant of Peter Voight who came to Philadelphia from Voightland, Bavaria, prior to the Revolutionary War. It was in his home that the Continental Congress met with General Washington in May, 1776. H. W. Fite was a Confederate Veteran. He served as a surgeon on General Johnston's staff.

His mother was Sarah Denman who was a descendant of an English emigrant, Ulathais Denman, founder of Cincinnati, Ohio. Her father, Felix T. Denman, was one of the largest plantation owners in the state of Georgia.

R. L. Fite graduated in medicine from the Southern Medical College in 1878. He later attended the New York Polyclinic. Dr. Fite came to the Indian Territory in 1883. He was elected Medical Superintendent of all the institutions in the Cherokee Nation.

He married Nannie Daniels in 1884, and was the father of eight children: Houston Bartow, Perrin Nicholson (deceased), Richard Carter (deceased), Augustus Willard, Sarah Kathryn, John Wyeth, Laura Turner (deceased), Denman Wyly.

Dr. Fite was esteemed both as a physician and a gentleman by the Cherokee people among whom he lived. Never was weather too severe, the roads too rough, or the streams too high for him to respond to a call to help the sick or injured.

His wife is and has been for many years a prominent leader in the Democratic party of Oklahoma.

His passing reminds us that the pioneers of our state are leaving one by one and the responsibility to carry on the work they have begun is handed to us, their descendants.

—Eula E. Fullerton,

Northeastern State Teachers' College.

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HOW THE CHEROKEES ACQUIRED AND DISPOSED OF THE OUTLET

By Berlin B. Chapman.

PART FIVE:—THE CHEROKEES CONCEDE TO A CONTRACT.

Previous articles of this series dealt with the acquisition of the Outlet by the Cherokees, the complexity of the Cherokee title, the occupation of the Outlet by the cattlemen, and the failure of the Cherokee Commission under the leadership of Lucius Fairchild to purchase the Outlet from the Cherokees in 1889. Moreover it has been explained that in order to induce the Cherokees to concede to sell the lands to the government, President Harrison issued a proclamation ordering the removal by December 1, 1890 of all live stock herded upon the Outlet. It is the purpose of Part Five of the series to relate how the Cherokees on December 19, 1891 conceded to an agreement with the Cherokee Commission ceding to the United States all title and claim to lands between the ninety-sixth and the one hundredth meridians.

On December 3, 1890, two days after the provision in President Harrison's proclamation for the removal of all live stock herded upon the Outlet, took effect, the Cherokee Commission began negotiations at Tahlequah.^{237a} The Commission consisted of David Howell Jerome, chairman, Alfred M. Wilson, and Warren G. Sayre. The Cherokees were smarting under the "unreasonable hardship"²³⁸ imposed upon them by action of the Pres-

^{237a} The proceedings of councils the Cherokee Commission held with the Cherokees contain 279 pages and cover the period from December 3 to 26, 1890. They are in the Indian Office, I. S. P., Drawer 8.

²³⁸ See Chief Joel B. Mayes' annual message to the members of the National Council, November 4, 1890, OIA., *Misc. Documents*, p. 27061. Mayes said that the Cherokee Strip Live Stock Association had refused to make a payment due the Cherokees on July 1, but that they were more than willing to make it if allowed to occupy the lands.

ident. Their case in the negotiations of 1890 was left largely to Senator L. B. Bell and Col. Wm. P. Ross whose knowledge of law and facts relative to the Outlet, and whose command of English and cutting logic enabled them to play their role admirably. They did not intend to be left with a mess of pottage when negotiations with the Commission were over.

It has been noted that there were matters, not relating directly to land, that the Cherokees thought were as important as the money consideration. The committee representing them was authorized to negotiate for the settlement of all claims with the United States. Throughout the negotiations the committee took time for consideration and for council among themselves so that they could make suggestions and answers as a group and not merely as individuals. On the first day of the negotiations the Commission said plainly that they did not want the committee "to start off with long range firing and written propositions," but to say what they thought.²³⁹ On the second day they submitted to the committee an offer of \$7,528,442.19 for a cession and relinquishment of all the title, claim, right and interest of the Cherokee nation in and to lands in the Indian Territory west of the ninety-sixth meridian.²⁴⁰

It appears that the Cherokees wanted about twice the amount offered, or two dollars and fifty cents an acre, and "pay" for the Public Land Strip. On December 9 Sayre said that no proposition involving the purchase of, or payment for, the Public Land Strip would be entertained by the Commission. The Commission realized that the lands in the Outlet could be secured at a less price than that asked by the Cherokees.²⁴¹ "We are here

²³⁹ Jerome said: "I have lived a good many years and it has been my fortune to have lived a commercial life. I have negotiated for all kinds of interests, lands, railroads, mines, bonds and every conceivable kind of interests and it has been a rule always that everything should be plainly told at the start. That is one of the laws of a commercial and business man that is almost as inflexible as the laws of nature."

²⁴⁰ The proposition bearing the signatures of Jerome, Sayre and Wilson is in the Indian Office, 7488 Ind. Div. 1890. It is dated Dec. 4, 1890.

²⁴¹ In council with the Sacs and Foxes June 5, 1890 Sayre said he had been in Washington quite a while during the past winter and knew from those in authority in the matter that no greater price than one dollar and a quarter an acre could be paid to the Cherokees for the Outlet. Sayre said he felt confident that before the Cherokees got through they would accept that price or less.

in the middle of the world," said Bell, "with millions of buyers and compelled to sell to just one." He considered the price offered as ridiculously small. "Give us the same opportunity to sell our lands that the monopolies have theirs," he said, "that are much larger than ours, and we can net twenty or thirty million. These lands are not wild lands in the sense generally used; they are right in the heart, you might say, of the business country and all checkered over with railroads, and a great deal more so than many lands west of the Mississippi. If we were allowed to go out in the world and offer these lands for sale the price you offer us would hardly pay two years interest on them." It was reported in December that John A. Blair, Secretary of the Cherokee Strip Live Stock Association, stated that he would present Chief Mayes an offer of twenty million dollars for the Outlet.²⁴²

Among the topics discussed in council were the salines in the Outlet, compensation to the Cherokees for railroad rights of way, tribal reservations established in the Cherokee country west of the ninety-sixth meridian, colonization in the Outlet of two thousand negroes, homeless and not desirable in the Cherokee home reservation, the abrogation of article fifteen of the treaty of 1866, and the removal of intruders from the home reservation. The three principal salines in the Outlet, according to Ross, had been leased in accordance with an act of 1882, except for the approval of the Secretary of the Interior.²⁴³ Bell explained that the Secretary had not approved the leases because of certain er-

²⁴² *Daily Oklahoma State Capital*, Dec. 11, 1890.

²⁴³ By act of August 7, 1882 the Cherokee Council was authorized to execute a lease of three salines for a period not to exceed twenty years for the manufacture of salt. The lease should insure the Cherokees a royalty of not less than one dollar a ton and be subject to the jurisdiction of the Cherokee national legislature and to the approval of the Secretary of the Interior. The proceeds of the royalty should be applied to the educational fund of the Cherokees. The salines remained subject to the provisions of the Cherokee treaty of 1866 and the lease or leases should be liable to revocation by the legislative council of the Cherokee nation and the Secretary of the Interior for the non-performance of any of said conditions. 22 *Statutes*, 349; Rept. of House Com. on Ind. Aff., July 1, 1882, *H. Reports*, 47 Cong. 1 sess., v(2069), no. 1545. The Cherokees proposed to lease the Eastern Saline to B. W. Alberty, the Middle Saline to H. H. Trætt, and the Western Saline to Robert D. Knight. On July 6, 1888 the leases were submitted to the Secretary of the Interior for approval.

rors in plats,²⁴⁴ but that the errors had been corrected. The Cherokees observed that the salines were not agricultural lands and they proposed to reserve them for the manufacture of salt. Jerome explained how plentiful salt was at Saginaw and elsewhere and remained unconvinced that salt deposits could be of any particular value to the Cherokees.

An act of July 4, 1884 granting to the Southern Kansas Railway Company a right of way through the Indian Territory provided among other things that the company should pay, "so long as said Territory is owned and occupied by the Indians," to the Secretary of the Interior the sum of fifteen dollars per annum for each mile of railway it should construct in the Territory.²⁴⁵ The Secretary of the Interior should apportion the money in accordance with the laws and treaties then in force among the different nations and tribes according to the number of miles of railway that might be constructed by the company through their lands. The right of way extended across the Territory in the general direction from Winfield to the mouth of the Washita; there was also provision for a branch line extending from the northern part of the Territory in the direction of Camp Supply to the western border of the Territory at or near where Wolf Creek crosses the same. The main line in the Outlet was about thirty-five miles long, the branch line about one hundred and twelve miles.²⁴⁶

The Cherokees said that they should not be denied the right to own property west of the ninety-sixth meridian, that they had a valuable money interest in the lands occupied by the railroad, and that they desired to retain the lands and thus continue to collect the fifteen dollars per mile. In their view the owning of the land upon which the railroad was built entitled them to the revenue and they considered that if they owned the land forever they would be paid accordingly. It was observed that if a trade were made the fee simple title of the Cherokee nation would

²⁴⁴ See Act. Com. Belt to J. B. Mayes, June 6, 1889, OIA., *L. Letter Book* 185, p. 309.

²⁴⁵ 23 *Statutes*, 73.

²⁴⁶ *Cherokee Nation v. Southern Kansas Railway Company*, 135 U. S. 646 (1890).

pass to the United States; and that if the United States saw fit to guarantee fifteen dollars per mile, the government could pass its title, with the same conditions to the Cherokees. The Cherokee Commission contended that there was no occupation on the part of the Cherokees of the right of way but only a possible reversionary interest to them in case the right of way should be abandoned by the railroad. The Commission interpreted the law to mean that when the Cherokees ceased to own and occupy the territory through which the railroad ran, then it was part of the contract with the company that it should not pay the specified sum per mile.

Discussion regarding the six reservations in the Cherokee country west of the ninety-sixth meridian centered principally around the Osage tract. The Commission called attention to the provision of the treaty of 1866 whereby the jurisdiction of the Cherokee Nation and their right of possession should terminate forever, as to the districts sold and occupied; and to the fact that the sale of lands to the Osages had been made with the consent of the Cherokees who had received payment. Attention was also called to the \$300,000 payment provided by an act of March 3, 1883 and accepted by the Cherokees as evidenced by deeds conveying the reservations in trust to the United States. Wilson asked the Cherokee committee to recede from their claim for additional payment for the Osage reservation. "If you can't recede from that," he said, "then in the name of justice and reason tell me how often you want to be paid for those lands." He thought it better for the Cherokees to wait until the United States disturbed the possession of the Osages before additional compensation was asked from the government.

The Cherokees realized that the time was ripe to discuss the matter. They called attention to Jerome's statement that it was the policy of the government "to bunch up the Indians" and to open the surplus lands to white settlement. It was contended that while the opening of the Osage tract to white settlement would increase the value of the lands in the Outlet, the interests and condition of the Cherokees would be endangered. Ross explained that if all the conveyance outlined by the Commission

were admitted, the claim of the Cherokees for additional compensation for the Osage tract remained unshaken. The committee contended that the lands in the six reservations were conveyed to the United States in trust for the tribes of Indians named in the deeds of 1883; and that if the lands were devoted to other uses, public settlement for instance, an equity arose in favor of the Cherokees. They claimed that they were entitled to such consideration as the Creeks and Seminoles received in 1889 for lands ceded in 1866. With the price of one dollar and a quarter an acre paid the Creeks for lands in Oklahoma district, they contrasted the price of seventy cents an acre paid by the Osages and Pawnees. They claimed that but for the interposition of the United States the Cherokees would have received more money for the Osage lands. They also noted that the Tonkawa, Ponca, and Otoe and Missouri reservations were appraised at 47.49 cents an acre and that the price was not determined as provided in article sixteen of the treaty of 1866; furthermore the appraisal, before being raised a few cents by Secretary Schurz, was made at half the value of the lands because they were intended for Indian settlement. The Cherokees believed that additional compensation to them for the six reservations was taken into consideration by Congress when the Commission was empowered to negotiate for the extinguishment of all the title, claim or interest of Indians in and to lands in Indian Territory west of the ninety-sixth meridian. Other topics discussed were for this study less important, or related less directly to the Cherokee lands west of ninety-six degrees. On December 26 Jerome said that on the part of the Cherokees he was certain that everything had been said that skill and training in debate could bring to their support and that the argument was one of the most elaborate he ever had the fortune to listen to. But the Commission concluded that the Cherokees did not want to sell the lands in the Outlet, did not propose to sell them by negotiation, and their third attempt to make an agreement with the Cherokees came to a close.

On January 10, 1891 the Commission made a report outlining the points of disagreement and stating that the offer of \$7,970,-

777.53 or nearly a half million dollars in advance of their original offer, had been refused by the Cherokees. Three days later Noble transmitted the report to Commissioner Morgan who explained that there were two principal points of disagreement.²⁴⁷ The Indians demanded the right to sue the United States for any balances in land or money they might claim to be due them under all treaties made since 1828. In discussion with the Commission they claimed that they wanted to sue for the Public Land Strip and specified nothing else.²⁴⁸ The Commission were willing to concede the right to sue for claims in money. The second point pertained to the price of the lands. The Cherokees demanded two dollars an acre for all lands ceded while the price offered by the Commission was considered equal to one dollar and a quarter an acre for the Outlet. Morgan suggested a compromise, namely, that the Commission yield the first point, believing that such action might induce the Cherokees to relinquish the lands for the price offered. "The Commission asks that the negotiations be only suspended," his letter reads, "and that they meet in Washington to continue negotiations. The Commission states that this proposition to continue negotiations here was not formally agreed to by them nor by the National Council, but that the principal chief and chairman of the Commission and others said that authority would doubtless be given to a delegation." He said that the Commission also stated that they were informed that a delegation had been appointed to come to Washington, but not clothed with authority to proceed with negotiations. Morgan considered that if negotiations could be resumed either in Washington or at the Cherokee capital, the concession suggested should be made, and that every effort should be made to secure an agreement. "There is evidently a growing disposition in Congress," he said, "to secure these lands either with or without the consent of the Cherokees." Considering this sentiment, of which the

²⁴⁷ Morgan summarized the report in his letter to Sec. Int., Jan. 30, 1891, OIA., *L. Letter Book* 210, pp. 406-410.

²⁴⁸ In council December 23, 1890 Ross said that the Cherokees considered the Public Land Strip as a part of the Outlet, and a part of the Indian Territory originally, and that in his opinion if the matter were to come before the Supreme Court the case would be decided "exactly as the case of *Texas v. The United States* was decided for Greer county."

Cherokees were doubtlessly aware, and the concession indicated, he noted that the Cherokees might possibly be induced to yield their claim to a larger price than a dollar and a quarter an acre.

The House committees were already in action. On January 17, Charles H. Mansur of Missouri introduced a bill²⁴⁹ in the House of Representatives proposing that the government pay the Cherokees \$7,489,718.72 for all their title and interest of every character "to any lands lying west of the ninety-sixth degree of longitude in the Indian Territory, known as the Cherokee Outlet." The preamble stated that the government was willing to allow the Cherokees one dollar and a quarter an acre, the price originally offered by the Cherokee Commission for the lands, which were estimated to embrace 6,574,486.75 acres. If the Cherokees should refuse to accept the specified sum the President was authorized within ninety days thereafter by proclamation to declare the lands incorporated into the Territory of Oklahoma and to open the unassigned and unoccupied portion to settlement and entry only under the homestead and townsite laws applicable thereto.

On January 28 the Committee on the Territories referred the bill to the Secretary of the Interior with a request for his views on the desirability of its passage. In the words of Noble the bill was, "inadvertently referred," by Assistant Secretary Chandler to Commissioner Morgan who on February 4 reported that he did not think it should receive favorable consideration.²⁵⁰ Morgan said that neither the action of executive officers of the government nor the provisions of treaties concluded prior to that of May 6, 1828, had any bearing upon the present status of the Outlet, for by that treaty a perpetual outlet west and a free and unmolested use of all the country, under the sovereignty of the United States, lying west of the seven million acre tract was guaranteed to the Cherokee Nation. He said that prior to the treaty of 1866 the Cherokees had a full and complete fee simple title to the lands in the Outlet, and that article sixteen of that treaty "did not

²⁴⁹ House Bill 13195, *H. Journal*, 51 Cong. 2 sess., p. 146. There is a printed copy of the bill in the Indian Office, 948 Ind. Div. 1891.

²⁵⁰ Morgan to Sec. Int. Feb. 4, 1891, *ibid.*; also in *L. Letter Book* 211, pp. 1-11.

change or modify" their title to lands west of ninety-six degrees, but only made certain provisions whereby friendly Indians could be settled there. He considered that the unoccupied lands in the Outlet were absolutely private property in which the United States had no more interest than has a State in private lands which are liable to escheat; and that the only right which the United States had in the lands was that of settling friendly Indians there as prescribed in the treaty. He noted that the government had also the right of eminent domain, which right could hardly be stretched to include public settlement of the lands under the homestead laws upon the payment of the cost of the same. "If they should be so opened and the case could come before the courts," said Morgan, "I have no doubt but that it would be decided that such appropriation, without the consent of the Cherokees, is clearly illegal and void and that the purchaser would have no valid title therein. The fact that these lands are not needed by the Cherokees," he said, "their national domain being sufficiently extensive for their reasonable wants and that they can legally enjoy no usufruct therefrom, can have no bearing upon the question."

Attention was called to the treaty of 1835 providing that the lands ceded to the Cherokee nation by that treaty, should at no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory. Morgan considered that the opening of the Outlet without the consent of the Cherokees, not only would be a violation of the terms of the cession and of the conveyance in the Cherokee patent, but it would be also "a violation of this further solemn stipulation of the treaty." In his opinion the government could not afford to disregard its solemn obligations and violate its faith in order to open the lands to public settlement, even though the opening was desirable. Finally, he noted that the only material points of disagreement were in the price to be paid for the lands, and the right to sue in the courts for the recovery of certain other lands. "I think that these conditions can yet be reconciled," said the Commissioner, "and the United States acquire a clear title to these lands without resorting to the violation of solemn pledges or at-

tempting to confer upon others a title which it itself does not possess.”²⁵¹

On February 9 Jerome and Sayre who were in Washington addressed a letter²⁵² to Richard M. Wolfe and David Rowe, delegates representing the Cherokee nation, and also in the city, stating that at the time the Cherokee Commission left Tahlequah it made a proposition ²⁵³ to resume negotiations in Washington for the relinquishment of the Cherokee title to the Outlet, but that the Commission had not been officially notified what the action of the Cherokee National Council was in the premises. The letter stated that “we are informed that you are the only authorized delegates of the Cherokee Nation”; and the resumption of negotiations was proposed. An immediate answer was requested because of the approaching close of Congress. On the same day the delegates replied that they had no authority to enter into the proposed negotiations. In reference to the proposition they said that “there were no further instructions given the Commissioners on the part of the Cherokee Nation. Neither were they formally discontinued by the Legislature, or by its authority.”²⁵⁴ On the same day Jerome and Sayre laid the correspondence before Secretary Noble, stating that on December 26, 1890, when the proposition was submitted, “from all the advices we could get, we had abundant reasons for believing that the suggestion for the resuming of negotiations here would be provided for.” The report of the Commission on January 10, 1891, as summarized by Commissioner Morgan shows that the resumption of negotiations at Washington was only probable. The Commission could not have been ignorant of the reluctance of the Cherokees to part with their title or rights in and to the lands of the Outlet. And if they journeyed to Washington with a serious intention

²⁵¹ Filed with Morgan's letter in the Indian Division files is a note of same date by Noble saying in part: “Will the Asst. Atty. Genl. please examine this report of the Commissioner of Indian Affairs, and formulate a reply to him pointing out his errors of law and fact, and requesting a report free from the charges that those who differ from him in judgment are reverting to violation of solemn pledges etc.”

²⁵² A copy of the letter under date of Feb. 9, 1891 is in the Indian Office, 406 Ind. Div. 1891.

²⁵³ A copy of the proposition, under date of Dec. 26, 1890, is in *ibid.*

²⁵⁴ A copy of the letter by Wolfe and Rowe to the Commission is in *ibid.*

to resume negotiations there, and secured no more "advices" prior to February 9, any surprise they expressed at the reply of Wolfe and Rowe must be attributed to their own stupidity.

Secretary Noble however seems to have seen only more of what he called "impudence" on the part of the Cherokees. On February 13 he transmitted Morgan's letter of February 4 to the House Committee on the Territories together with a letter²⁵⁵ in which he warmly endorsed the measure proposed by Mansur, and urged that Congress pass this or some similar measure. He resorted to various treaties, court decisions and correspondence tending to show that the Cherokee nation had only an easement in the lands of the Outlet. He did not deal gently with the law and facts as set forth by the Commissioner of Indian Affairs. He said recent communications of the Cherokee Commission showed that during the past year their attempts to effect an agreement with the Cherokees had been barren of results, if not entirely futile, that negotiations had come to an end and uncertainty existed as to their renewal.²⁵⁶

Why Noble kept for a week Morgan's report of February 4 is hardly clear. At any rate two days before it was transmitted to the Committee, that body, already advised of Noble's views, made a report in which it urged the passage of a bill similar to that introduced by Mansur.²⁵⁷ The Committee reviewed the history of the Cherokee title or rights in and to the lands in the Outlet, and stated that for over ten years prior to the advent of the cattlemen, the position of the Cherokees had been that the Outlet was absolutely sold to the United States²⁵⁸ for the settle-

²⁵⁵ Noble to I. S. Struble, Feb. 13, 1891, *S. Ex. Docs.*, 52 Cong. 1 sess., v(2900) no. 63, pp. 1-9; also in Appendix A of the report of Sec. Int. for 1891, *H. Ex. Docs.*, 52 Cong. 1 sess., xiv (2933).

²⁵⁶ On February 14, 1891 Noble sent the Commissioner of Indian Affairs a copy of the Department letter to Struble, stating that it was "for your information and in connection with your report of February 4, 1891." The letter to the Commissioner was typed, but at the close of it the following sentence is written in ink: "This is for your information and not for further discussion." The letter is in OIA., *Int. Dept. Letter Book* 81, Pt. i, p. 377.

²⁵⁷ Report of Feb. 11, 1891, *H. Reports*, 51 Cong. 2 sess., iv (2888), no. 3768. The substitute bill was numbered 13572.

²⁵⁸ "We have a perfect right," said the Committee, "to plow these lands with a red horse, representing friendly Indians, at 47.49 cents per acre, but if we wish to plow them with a white horse, representing the white people, and offer them \$1.25 an acre, then they insist upon a fabulous price—in other word, are determined to drive a hard bargain." *Ibid.*, p. 21.

ment of friendly Indians thereon. According to the Committee the legislation authorizing the creation of the Cherokee Commission was the direct result of a desire expressed and statements made by Chief Mayes on February 13, 1889 that such a commission should be sent to the Cherokees. The Committee said: "The question of the opening of the lands of the Cherokee Outlet to civilization and settlement is the burning proposition of the day, in all the great Southwest. It probably is the most important question connected with the Department of the Interior under this administration." This was but an echo of a report made a few weeks before by the House Committee on Indian Affairs²⁵⁹ stating that hundreds of thousands of people were praying Congress to open the lands, that many in wagons and tents were waiting on the Kansas border, that beyond question Congress had the right to terminate the easement and to open the lands to white settlement and that "to longer dally with the cattle companies and the Cherokees" was a criminal waste of time.²⁶⁰ But the Fifty-first Congress had only three weeks to complete its work and the question of the Outlet was left to its successor, not to assemble until December.

Territorial officers had something to say about the Outlet. On July 6, Abraham J. Seay, an associate justice of the Supreme Court of Oklahoma Territory, in an oral opinion²⁶¹ brushed aside the Cherokee title and in a certain sense the Outlet with it. He made no mention of the fact that the Cherokee nation by treaty

²⁵⁹ Report of Jan. 23, 1891, *H. Reports*, 51 Cong. 2 sess., iii (2887), no. 3584.

²⁶⁰ The recommendations of the committees were not unlike that made by Lucius Fairchild a year before: "The first step ought to be taken by Congress in my judgment by declaring open to settlement the 'Outlet' to which in my opinion the Cherokees have no title or a title so shady that the offer of \$1.25 per acre is three times too large." Fairchild to Noble, Jan. 13, 1890, *Fairchild Papers*.

²⁶¹ *Guthrie v. Hall*, 34 Pac. 380 (1891). Seay delivered the opinion orally because he had "so much work to do." Seay to Noble, July 10, 1891, OIA., 7181 Ind. Div. 1891. On July 9 *The Kansas City Times* observed that Seay's decision made "Colonel Mansur's hope of getting his bill through next winter seem reasonable." It was noted that the Cherokees would likely meet the government readily and "sell the faint title they have."

In regard to the weakness of Seay's opinion see the statement by Senator Dawes, May 9, 1892, *Cong. Record*, 52 Cong. 1 sess., p. 4089; see also Com. Morgan's statement, footnote 286 below.

and by patent had been guaranteed "a free and unmolested use of all the country lying west, of the western boundary" of the seven million acre tract. In his opinion the Cherokee title to the "perpetual outlet, West" was a mere easement, a use subject to forfeiture in case the Cherokee nation became extinct or abandoned the Outlet. He said that the west end of the Outlet, having been closed by the purchase of all lands west thereof from Mexico by the United States, and the east end of the Outlet having been effectually closed by the voluntary sale and conveyance by the Cherokee nation, for cash, of more than two million acres (by permission and with the approval of Congress) to the Osages, Pawnees and other tribes of Indians, it had "ceased to be an outlet to the west, or an outlet in any sense to any place." He said that the character of the Outlet had been changed, and the object for which it had been granted had been defeated and totally destroyed, by the voluntary acts of the Cherokee nation. "This constituted an abandonment of any title therefore vested," he stated, "and there is now no tract or parcel of land that answers to the description of 'outlet to the west' as used in the patent to the Cherokee nation." Thus Seay decided the matter of abandonment.

Edward B. Green, chief justice of the court, believed the matter of abandonment was a political question, refused to decide it, but his implication was clear enough. "If the Cherokee Nation has ceased to use the outlet *as an outlet*," he said, "the *cesser* of the use has terminated their estate, and the lands have *reverted* to the United States. But whether there has been a *cesser* of the use is rather a political than a judicial question, which should be settled by Congress and the chief executive of the nation. And if the lands have been abandoned *as an outlet*, and subjected to other uses by the Cherokee Nation, or with their consent and by their authority, their estate has terminated and they have reverted to the United States."²⁶²

Green held that the lands, having been ceded and granted as an outlet, could not lawfully be used for any other purpose. He

²⁶² Opinion filed Sept. 16, 1891 in *Jordan v. Goldman*, 1 Oklahoma 453.

considered that if they could be used by the Cherokees for the purposes of a stone quarry,²⁶³ farming and other purposes, the distinction between the perpetual outlet west and the permanent home, so scrupulously maintained in the several treaties, and in the Cherokee patent, would be completely nullified. His construction of the language of the Cherokee treaty of 1835 presents an interesting contrast with that made by President Jackson.²⁶⁴ Green considered that in making the treaty the United States and the Cherokees understood that the Outlet was intended as "an outlet only"; he said that if it could have been used for the purpose of a home there would have been no necessity for the purchase of additional lands provided for in the treaty. In his view the provision of the Cherokee treaty of 1866 that the United States might settle friendly tribes of Indians in any part of the Outlet, clearly showed that when the treaty was made the Cherokees did not claim the right under prior treaties and their patent, to settle upon and occupy the Outlet as a home or that they had any other use in it than that of an outlet. Green agreed

²⁶³ On September 13, 1886 John W. Jordan and Jesse Bushyhead secured from the Cherokee nation a "Mineral License" to prospect for and engage in the quarrying of stone for five years on a certain tract of land five miles wide, and extending from the Arkansas River due west about thirty-three miles. The tract of land was bounded on the north by the south line of Kansas. Jordan and Bushyhead lacked sufficient capital to successfully mine stone on the tract. On March 30, 1888 they entered into a "Stone Mining Contract" with David L. Means, a citizen of the United States, who agreed to furnish all the money required for the working and carrying on of the business. He also secured full control and management of the business. The contract should exist and be in force during the continuance of the said license, and the renewal of the same. By March 1890 a large amount of valuable stone had been and was being taken from the quarry. On January 27, 1891 Assistant Attorney-General Shields advised Noble that no action of the authorities of the Cherokee nation could legalize any license to mine stone for sale in the Outlet. (The documents above referred to are in OIA., *Misc. Documents*, pp. 21826-29). On February 28 Lieutenant Henry J. Goldman, under orders from the War Department, proceeded to the quarry and there directed Jordan and other persons in and about the quarry to remove from the Outlet, and to cease quarrying stone at the quarry. Jordan and others filed a bill in the Supreme Court of Oklahoma praying for an injunction to restrain Goldman from ejecting them from the Outlet, and from closing up the quarry. The injunction, for reasons given by Judge Green, was denied.

²⁶⁴ See *Chron. of Okla.*, xv, pp. 41-42.

with Judge Parker that the estate of the Cherokee nation in the Outlet was a base, qualified or determinable fee.²⁶⁵

As might be expected the first Territorial Governor furnished what fuel he could for the flame. He said that he knew of nothing more gratifying to the people of Oklahoma district and the near-by States than the opening of the Outlet and that he knew of no reason why it should not be opened. He recommended that if Congress failed to open the lands that the President should do so by proclamation. "If they may be bought 'for the use of friendly Indians at 47 cents an acre' from the Cherokees," he said, "I see no reason why the Cherokees, 70 miles away, should object to white people settling them at the same price, and if they do object I see no reason why we should not take them anyhow, at not exceeding the above price."²⁶⁶

About November 1 there appeared a red-covered pamphlet of fourteen pages by Robert L. Owen entitled, *A Plan for Saving to the Cherokee People Millions of Dollars*.²⁶⁷ The keynote was: "Let us allot the Outlet, patent it to our citizens, confirm our right to sell to United States citizens by act of Congress and get every dollar of value that there is in the Outlet for our own people." Owen also said: "We should put a vested right in the hands of the citizens, that will stand against even an act of Congress and we should do this immediately for reasons that are clearly seen. If we can give a FEE SIMPLE to the Pawnee, we can give a FEE SIMPLE TO THE CHEROKEE. We have a FEE SIMPLE TITLE, the grant was by treaty, declared by a patent and repeatedly recognized by every branch of the government.

²⁶⁵ Green made so rank an error of fact in regard to the opinion of the Supreme Court of the United States in *Cherokee Nation v. Southern Kansas Railway Company* that Commissioner Morgan observed that the force of his reasoning as to the Cherokee title was destroyed. Morgan to Sec. Int., Jan. 26, 1892, *S. Ex. Docs.*, 52 Cong. 1 sess., v(290), no. 63, pp. 24-25.

²⁶⁶ Report of George W. Steele, 1891, *H. Ex. Docs.*, 52 Cong. 1 sess., xvi(2935), p. 542.

²⁶⁷ There is a copy of the pamphlet in OIA., 8689 Ind. Div. 1891. Several hundred copies were printed for circulation among the Cherokee councilmen and others. Owen said that lands in the Texas Panhandle and west of the Outlet were selling for five dollars an acre for agricultural purposes. He estimated that by the execution of his plan the Cherokees would receive about thirty million dollars for their lands in the Outlet, or about four times the amount offered by the Cherokee Commission.

We have given a FEE SIMPLE DEED to various parts of this OUTLET by a patent to the Poncas, Pawnees, Nez Perces, Otoes and Missourias and Osages, the United States acting as their trustee—and by our trustee or agent, the Secretary of the Interior, we have issued thousands of patents to portions of the Cherokee Outlet commonly called ‘The Strip,’ which lies now in Kansas. If we patent it to our own citizens the titles will be good and we can maintain them in court and go to Congress and prevent any legislation to interrupt our individual titles. The Congress would allow our citizens individually to dispose of these titles to United States citizens who desire to buy.” It was observed that the lands had been surveyed and a comparative valuation made section by section. A division of lands by evaluation and by lottery was proposed. Owen noted that there was no likelihood of the government settling friendly Indians in the Outlet for “what no man desires, what no man advocates and strives for, can not result in legislation by Congress.” The plan was doomed from its birth because the dominant powers of the government did not admit that the Cherokees had a fee simple title to the unassigned lands in the Outlet; nor could it be expected that Congress would grant to the Cherokees as individuals what it denied to them as a nation. The first effective blow to the plan was dealt by certain Cherokee leaders.

There is evidence that Secretary Noble in 1891 adhered to the policy of depriving the Cherokees of a return from the lands of the Outlet. On August 25 General Miles transmitted to the Adjutant General the following telegram,²⁶⁸ received from the Commanding Officer at Fort Reno, Oklahoma: “Instructions of twentieth regard to Cherokees received. Only one man in Strip has claimed to be a Cherokee; he has no farms or crops and most of his cattle have been removed. It is reported Cherokees are arranging to ship cattle to and open farms in Strip. Notice should be given at once that President’s order will not protect Indians or cattle not in Strip at its date.” On August 29 Noble sent

²⁶⁸ The telegram of Aug. 25, 1891 is in the Old Files, A. G. O., 14601 P. R. D. 1891.

President Harrison a copy of the telegram with a letter,²⁶⁹ the following sentence of which was the most important: "I submit, in my opinion, that the Proclamations of the President, February 17 and September 19, 1890, relative to the removal of cattle from the Cherokee Outlet should stand, as the facts as set out in the enclosed telegram show that there are no Cherokees who have made permanent settlement and opened farms which they are improving and cultivating, and whose removal at this time would cause a loss of their crops and great sacrifice."

Commissioner Morgan still believed in the validity of the Cherokee title and a few members of Congress were willing to give it their support. But the Cherokees were aware of volcanic rumblings in Washington, sensitive to the element of popular clamor in the opinions of Judges Seay and Green, and well might they have suspected the ambitions of an Oklahoma governor. In June, September and October the Cherokee Commission concluded agreements with the Wichitas, Kickapoos and Tonkawas respectively and on November 18 final negotiations were opened with the Cherokees at Tahlequah.²⁷⁰ The Cherokees were represented by Elias C. Boudinot, chairman, Joseph A. Scales, George Downing, William Triplett, Joseph Smallwood, Thomas Smith and Roach Young, appointed by virtue of the authority of an act of the Cherokee National Council, approved November 16. Boudinot took the role played the previous year by Ross and Bell and he was also presiding officer at the meetings.

The Commission proposed to purchase the Cherokee claim to the Outlet whether it was good or bad. At their request the Cherokee committee on November 27 set forth the terms on which the Cherokees were willing to sell their unceded lands between the Arkansas River and the one hundredth meridian.²⁷¹

²⁶⁹ Noble to the President, Aug. 29, 1891, O. I. A., *Record of Letters Sent*, No. 73, pp. 258-259.

²⁷⁰ The proceedings of the councils the Cherokee Commission held with the Cherokees in 1891 contain 206 pages, and the period covered is from November 18 to December 19. The proceedings are in the Indian Office, I. S. P., Drawer 8.

²⁷¹ The proposition of November 27, 1891 contained eight articles and is in *S. Ex. Docs.*, 52 Cong. 1 sess. v(2900), no. 56, pp. 14-16.

Provision was made for the removal of intruders, the abrogation of article fifteen of the treaty of 1866, adjustment of certain judicial matters including the right of the Cherokees to enter suit against the United States for any alleged or declared amounts of money or land withheld or promised by the United States to the Cherokee nation by former treaties or laws, adequate compensation for rights of way held by railroads in lands to be ceded, payment of \$400,000 not paid to the Cherokees by the Cherokee Strip Live Stock Association because of the removal of cattle from the Outlet, compensation to Cherokee citizens for improvements on lands to be ceded, and three dollars an acre for all lands to be ceded. The committee claimed that three dollars an acre was not an excessive price considering that lands in the Public Land Strip were selling at that rate while lands farther east and in southern Kansas were selling from ten to twenty dollars per acre, and that certain lands in the Cherokee Strip in Kansas when privately sold in a large tract had brought seven dollars an acre. They noted that the innumerable boomers who rushed into the Outlet every year was evidence that a large portion of the country was adapted for homesteads. On December 1 Sayre said that stripped of every condition the Commission would not pay two dollars per acre for the Outlet, and the committee stepped down to that price.²⁷²

The claim of the Cherokees that they had a contingent interest in the reservations in the Cherokee lands west of ninety-six degrees remained alive and active. Boudinot was aware of

²⁷² Boudinot gave the following illustration in reference to guardian and ward: "A man is the guardian and the ward has a horse that is worth \$100. The guardian wants that horse; he goes to the ward and says that horse is worth \$100, but you are a minor and can't sell it to anyone unless I say you can and I won't let you sell it to anyone else. I have lots of horses and can't afford to give you \$100 for the horse though he is worth it; now I want that horse and will give you forty dollars for him. I want him for one of my boys; you can sell it or not as you please; you can't sell it to anyone but me because I won't let you and if you don't sell it one of my boys will ride it to death before you become of age and can help yourself, just as you say the 'boomers' are riding the Strip to death. We recognize it as a good deal that way with the Strip. We will tell our guardian in this same illustration that we know it; we are powerless and can't help it; we don't want the \$40 but to keep the horse from being ridden to death we will take \$60 although the horse we know is worth \$100." Council proceedings, *loc. cit.*, p. 151.

"the inevitable"—the Outlet would be opened to white settlement. It was largely a matter of whether the Cherokees should make an agreement with the Commission or leave the matter to Congress. A portion of President Harrison's annual message of December 9 was read with interest at Tahlequah. The President said that while the Department of the Interior had not been officially advised of any substantial progress in the negotiations, the price of one dollar and a quarter an acre was in his judgment, when all the circumstances as to the title and the character of the lands were considered, a fair and adequate one and should have been accepted by the Cherokees.²⁷³ On December 14 Chief Mayes died and negotiations were temporarily suspended.²⁷⁴ By December 16 all questions precedent to that of price had been determined. The Commission offered \$8,353,326.32 for the lands and the Cherokees asked \$9,788,136.34. As Boudinot said, further negotiations looked like "haggling over six bits in a ten dollar trade."

Matters rose gradually to a climax at the councils of December 17 and 19. On the former day Boudinot explained that in negotiating the Cherokees were willing to sacrifice millions of dollars they believed rightfully theirs in order to get the United States to carry out unfilled promises. He said that if the Cherokees were permitted to sell the lands as contemplated when patented that they could get three dollars per acre and not three hundred voices in the Cherokee nation would be heard to sell them for that price. "We are a people growing in population," he said, "and it requires no stretch of imagination to think of some near day when the land in the Cherokee home tract will not be sufficient to sustain the Cherokee people. If we sell you this land today west of ninety-six degrees we will have enough for the present wants by getting the intruder out of here as you prom-

²⁷³ *Messages and Papers of the Presidents*, ix, 203.

²⁷⁴ It was the irony of fate that Chairman Fairchild should largely attribute the failure of the first attempt of the Commission to purchase the Outlet to the "cuss," "the rascally Chief," completely controlled by the cattlemen to the injury of his people; that Mayes should play a tragic role in the last scene of successful negotiations, and that it should fall the lot of Fairchild's successor to pay tribute of "profound respect" to the memory of a great chief.

ise, but, sirs, our next generation will go out on the broad continent of America to find homes. We would not have it so if we could help it. There are not fifty acres I can guarantee you, gentlemen, in the home tract to the head of good tillable land; there is less than 166 $\frac{2}{3}$ acres to the head of good, bad and indifferent. . . . And if we had our way about it and were protected as the government should protect her title that she guarantees, we would not sell an acre of this land west of ninety-six degrees for ten or fifteen—no, nor twenty dollars, but circumstances are not such as we would have them; we have concluded that we would sell this land and when we set out to sell that land we found out what similar land was worth and even then set the price a dollar lower. The love of money is not so great among this people that it would part with this land but for the circumstances that surround it. These promises of the government to protect us in our home interests have induced us to leave the price and come down to two dollars per acre and yet the same reasons induced us to make still another step down. We are now at the point, gentlemen, where we must hear from you; we have done the acting so far; we think it is fairly your turn now.” The Commission implied that Boudinot had underestimated the quality of land in the Cherokee home tract and explained that the road to highest prosperity was probably that of diversified occupations and industrialization.

When the next council convened on the morning of December 19, Jerome stated that if the Commission said nothing more the one thing left was for them to bundle up their baggage and leave Tahlequah. He said that he was willing to give his judgment and conscience another twist in an effort to break the deadlock, and was willing to make the effort only “for the purpose of getting out of this dilemma and showing you that we are generous in trying to get out of this fix.” He agreed to add to the price offered the sum of \$80,000, or the amount appropriated by Congress in 1888-89 for the benefit of the freedmen, Delawares and Shawnees and charged to the Cherokee nation. “This is the extreme limit,” he said, “to which we can go and have the ap-

proval of our conscience; this is the extreme limit of our judgment and ends all matters of appraisement and judgment on behalf of the Commission." He expressed grave doubts whether an agreement providing such a sum would meet with the approval of the President and Congress.

Boudinot suggested that the Cherokee Committee have a meeting to consider the additional sum offered, and a short recess was taken. The Cherokees multiplied the additional sum by three and added on a little more. After the recess Boudinot said that they had long since got to the point where they were getting less than the value of their lands. "We have unanimously agreed to decline your proposition of this morning," he said, "and make one in turn that is the last one we shall make you and that is not because we do not think our land is worth more but in order that at the very extreme edge of possibility we may be able to agree. We now offer you on the part of the Cherokee nation to insert in the proposition where the number of dollars for the cession and relinquishment is named, this sum: \$8,595,736.12." He suggested that the council adjourn until half past one o'clock. In the afternoon session Jerome, after insisting that his views presented during the morning were sound and sure to meet the approbation of Congress, said: "I think we have staid here long enough and placing the additional responsibility on you, we have decided to accept your proposition."

Thus after spending fully twenty-three weeks in Tahlequah and many more in Washington, en route and in preparation, the Cherokee Commission concluded their most important agreement.²⁷⁵ Articles fifteen and sixteen of the treaty of 1866 were abrogated. The Cherokees ceded all title and claim to lands between the ninety-sixth and the one hundredth meridians. The amount the Commission agreed to pay for the lands was in excess of \$728,389.46, the aggregate previously appropriated by Congress and charged against the lands of the Outlet west of the Arkansas, and also in excess of \$1,099,137.41 paid by the Osages for the lands occupied by them and the Kaws. Thus the total

²⁷⁵ The agreement is in *Indian Affairs*, 1893, pp. 522-524; Kappler i, 490.

consideration received by the Cherokees for the relinquishment of claims to lands between ninety-six and one hundred degrees was \$10,423,262.99.²⁷⁶ The sum named in the agreement was \$1,106,017.39 more than that provided for in the original letter of instructions to the Commission, and \$624,958.59 more than that offered by them in 1890. But the Commission said plainly that they "could do no better" while the Cherokees considered the price a minor matter.²⁷⁷

The Commission explained that if the Cherokees had accepted the offer promptly in 1889 the interest on the money at five per cent would have almost equaled the difference in price.²⁷⁸ They applied the price in three ways. (1) If it pertained only to the 6,022,745.11 acres being the quantity of the unoccupied lands west of the Arkansas, the rate was \$1.427 an acre. (2) If it included the four reservations west of the river, or an additional area of 551,732.44 acres the rate was \$1.31 an acre. (3) If the price included the Osage and Kaw reservations the rate was \$1.05 an acre. The agreement provided that not to exceed seventy allotments in the Outlet might be taken by citizens of the Cherokee nation. The right of selection was made to depend upon permanent and valuable improvements made prior to November 1, 1891. Allotments were limited to eighty acres and the price of \$1.40 for each acre taken in allotment should be deducted from the sum due the Cherokees for the Outlet. It was provided that unless the agreement should be ratified by Congress and the appropriation

²⁷⁶ Morgan to Sec. Int., Feb. 6, 1892, *S. Ex. Docs.*, 52 Cong. 1 sess., v (2900), no. 56, p. 9.

²⁷⁷ The "blighting curse of intrusion" by unauthorized persons on the home reservation was the first and greatest grievance of the Cherokees. Concerning the agreement Principal Chief C. J. Harris observed that the Indians had not been anxious to sell the Outlet, had not received a tithe of the value of the lands, and he added: "As our tenants had been ejected and we were unjustly and uselessly deprived of the revenue derived from the grazing thereon and were constantly importuned and harassed by the Government of the United States for their sale, and our efforts to have the intruders removed having proved fruitless, we finally agreed to the sale, with the hope that our country would be freed from these pests, and the jurisdiction of our courts over our citizens be more firmly settled. The money was the least of these considerations." Message to the Cherokee Council, Nov. 8, 1892; a part of the message is in *H. Ex. Docs.*, 52 Cong., 2 sess., xii (3087), p. xlix.

²⁷⁸ Cherokee Com. to the President, Jan. 9, 1892, *S. Ex. Docs.*, *loc. cit.* p. 13.

of money made on or before March 4, 1893 the agreement should be void. The Commission felt sure that the National Council would act favorably upon the agreement,²⁷⁹ and it was ratified by that body January 4, 1892.²⁸⁰

Just before the agreement was concluded Jerome said that in all the transactions of his long life there were none in which he took more pride than in it.²⁸¹ Later the Commission said that in their belief "after it is all done, that the agreement is a proper one, and we are content with it."²⁸² President Harrison considered that the agreement was perhaps the most satisfactory that could have been reached²⁸³ and he was inclined to follow Noble's recommendation that it should be ratified by Congress.

The Cherokees did not wish to give up the inheritance of their fathers; like Naboth they had a vineyard but did not govern the kingdom. And the forcing of them to sell their lands may well be classed among the most glaring examples of injustice done to Indians by the government.²⁸⁴ By the appraisement following the treaty of 1866 the government proposed to pay the Cherokees less than fifty cents an acre for the lands if friendly Indians were settled thereon. When it proposed to open the lands to white settlement the Cherokees held out as long as discretion permitted and in selling them charged what the traffic would

²⁷⁹ Jerome to Noble Dec. 23, 1891, OIA., 9426 Ind. Div. 1891. Cf. footnote 269 above.

²⁸⁰ The act of the National Council in ratifying the agreement specified that the lands might be included within the territorial limits and jurisdiction of any State or Territory directed or authorized by Congress, provided, that the sum of \$112 be deducted from the per capita share of money of each and every person who might take an allotment of land according to the provisions of the agreement. In the Indian Office, 439 Ind. Div. 1892, there is a copy of the act certified by Principal Chief Harris, January 7, 1892. The act is also in *Cong. Record*, 52 Cong. 2 sess. p. 187. When it developed that adopted citizens could take allotments but were not entitled to share in money payments, Commissioner Browning said that the question of how the Cherokee nation could reimburse itself for the lands taken by such allottees was one for the consideration of that nation and with which the United States had no concern. Letter to J. W. Duncan, July 11, 1893, OIA., *L. Letter Book* 261, pp. 410-412.

²⁸¹ In council with the Pawnees November 2, 1892 Jerome said that the Cherokees were "virtually white men and just as smart as anybody when it comes to making trades."

²⁸² Letter to the President, Jan. 9, 1892, *S. Ex. Docs.*, *loc. cit.*, p. 14.

²⁸³ Annual message, Dec. 6, 1892, *Messages and Papers of the Presidents*, ix, 325.

bear. Secretary Noble thought that the Cherokees received a very large consideration. In the early part of the nineteenth century when lands were cheap and the supply easily met the demand, they secured from the government a vast area that became of great value toward the close of the century. A laissez faire policy might have left them powerful landlords or wealthy speculators to the detriment and jealousy of thousands of whites. It is easy to agree with Secretary Teller and Secretary Noble that such a policy would have been unwise. The government gave and the government took away. This was a better policy than to have confined the Cherokees in the beginning to a home reservation large enough only for allotments of average size, with a title undisturbed by sovereign power.

In the appendix of his annual report, under date of November 1, 1891, Noble incorporated his letter to Struble of February 13. This action by Noble was hardly fair play considering that he had told Commissioner Morgan to drop the question of the Cherokee title to the Outlet and also omitted to publish Morgan's letter of February 4. It was certainly poor departmental cooperation and could not be justified whether Noble believed that he had written a brilliant letter to Struble, or whether he believed that the Commissioner of Indian Affairs had exhibited asinine traits in an unusual degree. In a letter of January 26, 1892 Morgan rightly said that as the matter involved was one of the very highest moment, and as the statement was made that he had fallen into "many errors of law and fact," it seemed obligatory for him to lay before Noble a further discussion of the subject.²⁸⁵

Morgan, like his chief, marshalled the evidence for his side and his letter had both force and length.²⁸⁶ He delved into let-

²⁸⁴ E. E. Dale, "Cherokee Strip Live Stock Association," *Chron. of Okla.*, v, pp. 77-78.

²⁸⁵ Morgan to Sec. Int., *S. Ex. Docs.*, *loc. cit.*, no. 63, pp. 9-28. This letter and Noble's letter of Feb. 13, 1891 were requested by a Senate resolution of March 16, 1892 and they were published together.

²⁸⁶ Concerning the opinion in *Guthrie v. Hall*, Morgan said: "The 'outlet' is some ten townships in width, or sixty sections. By locating sixty friendly Indians on contiguous forties, the United States, under the opinion of Judge Seay, who appears to assume that all of the lands west of the ninety-sixth degree are a part of the 'outlet', could have caused an 'abandonment' of the entire 'outlet', except the 9,600 acres required for these sixty Indians, which is hardly supposable. Besides, what becomes of the

ters of the Department of the Interior, gleaned sentences from court decisions and sought out clauses in the *Statutes at Large* in an effort to show that his letter of February 4, 1891 did not contain "many errors of law and fact." He noted that a patent is the highest evidence of title. It appeared to him that the distinction between the Cherokee home reservation and the Outlet was wholly obliterated by the Cherokee treaty of 1835. He expressed his belief that whatever might be the title of the Cherokees to lands in the Outlet, the lands could not be opened to public settlement without their consent. Perhaps the sanest view, and yet one somewhat vague, was that expressed by Shields, who, after reading Noble's letter of February 13 and Morgan's reply thereto, concluded that it was of little moment whether the title or rights of the Cherokees in and to lands of the Outlet was a mere easement as Noble held or one of property and perpetuity as Morgan maintained, but that the Indian title, whatever its character, was exclusive as to possession and indefinite as to time, subject to the provisions of the treaty of 1866, and would continue until lawfully extinguished.²⁸⁷ The title of the Cherokees was not good enough for them to settle on the Outlet, and yet good enough to keep citizens of the United States from settling there.

Since Noble in his report of 1891 had publicly given Morgan a slap in the face, it would seem right that he should have suffered him in his fourth and final annual report to use a paragraph in which to extol his own achievement in regard to concluding the Cherokee agreement. Morgan wrote: "After weeks of tiresome and fruitless efforts on the part of the Commission to reach a conclusion with the Cherokees, Judge Warren G. Sayre, a member of the Commission, called on me in this city and informally reported the failure of the Commission to make any terms in re-

treaty stipulations that the Cherokee Nation shall retain jurisdiction and right of possession over all of said country until sold and occupied, after which their jurisdiction and right of possession are to terminate forever as to each of said districts thus sold and occupied." *Ibid.*, p. 25.

²⁸⁷ Shields to Sec. Int., Feb. 25, 1892, *S. Ex. Docs.*, *loc. cit.*, no. 56, pp. 25-26. Relative to Morgan's letter of January 26, 1892 and filed with it in the Indian Office is a note by Shields to Noble saying in part: "There is nothing in it to change my views as heretofore expressed in opinions." 561 Ind. Div. 1892.

gard to the outlet. In that conference I made some suggestions as to how an agreement could perhaps be effected. Upon Judge Sayre's return the Commission acted on those suggestions and succeeded in effecting the agreement which is now under consideration by Congress.²⁸⁸ Noble said he was satisfied that Morgan was laboring under serious misapprehensions and that his claims were a novel pretension. He referred the matter to the Commission who said that the agreement in their opinion was a good one, that the credit belonged to them, that they never had any official communication²⁸⁹ with the Commissioner of Indian Affairs and that they not only resented but protested against any credit being given him for suggestions.²⁹⁰

Morgan promptly replied that he cheerfully consented to the omission of the paragraph because Noble requested it, but that he did not recognize the justice of the criticisms made upon it for the statements were, from his point of view, entirely justified.²⁹¹ A week later he addressed a letter to Noble giving for his information certain "facts" which he said were unknown to some if not all of the Commission and which had furnished the basis of his inference.²⁹² This letter shows Morgan at his worst; indeed he so badly confused article four of the proposition made by the Cherokees on November 27, 1891 with article four of the agreement that his letter would make the close of a worthy achievement seem ridiculous. He pointed out the compromise suggested by himself in the letters of January 30 and February 4, 1891 and noted how darkly Noble had written of prospects of success on February 13 following. He referred to a conversation with Sayre

²⁸⁸ The paragraph is quoted by Noble in OIA., *Record of Letters Sent*, No. 77, p. 218. In the report as printed the paragraph was stricken out except for the bald statement that an agreement was finally effected and was then under consideration by Congress. *Indian Affairs* 1892, 79.

²⁸⁹ This clause may explain a good deal. A Commissioner of Indian Affairs who had more backbone than a chocolate éclair would hardly remain passive and observe one of the most important matters pertaining to the Indians dealt with by an outside hand.

²⁹⁰ Some correspondence between Noble and the Commission in regard to the matter is incorporated in the letter by Noble to Com. Ind. Aff., Nov. 11, 1892, OIA., *Record of Letters Sent*, No. 77, pp. 216-226; see also Sayre to Noble, Nov. 29, 1892, OIA., 9054 Ind. Div. 1892.

²⁹¹ Morgan to Sec. Int., Nov. 12, 1892, OIA., 9032 Ind. Div. 1892.

²⁹² Morgan to Noble, Nov. 19, 1892, *ibid.*

... of C. J. Har-
... Daniel L. Starr,
... J. C. Cun-
... as advised as aforesaid,
... the day and
...



The United States, by

John H. Smith
Secretary of the Interior.

The Cherokee Nation, by

G. Harris, Principal,
Chief Cherokee Nation,
G. E. Harris, Principal,
Cherokee Nation,
G. E. Harris,

Signatures to Contract of May 17, 1890, by which the Cherokees re-
linquished all claims to the Outlet.

prior to the agreement and to one after the agreement in which Sayre said "frankly and with great good nature" that he had been encouraged to resume negotiations because of the former conversation and that success was due largely to suggestions he had there received. Finally Morgan said that the thing he had advised was done and that his compromise was in the main carried out, namely, that the Cherokees were granted the right to enter suit for land as well as money and that they had made concessions on the price. Noble explained that the desired right to sue for land was resisted by the Commission and was not contained in the agreement. "Your support of this proposition was not successful," said Noble, "and the basis of your claim resting upon it is certainly not sustained."²⁹³ In his annual report he said that the Commission were entitled to the highest commendation for their untiring efforts in effecting the agreement against most discouraging obstacles, but he made no mention of Commissioner Morgan in relation thereto.²⁹⁴

On January 18, 1893 a convention was held at Guthrie purporting to be attended by more than seven hundred delegates from Kansas, Missouri, Arkansas, Texas, Oklahoma Territory and the Five Civilized Tribes, representing commercial organizations and the leading professions. A number of resolutions were drawn up requesting among other things that Congress ratify the Cherokee agreement and open the Outlet to settlement as early as possible.²⁹⁵ It was stated that nearly twenty thousand homeseekers were temporarily living on its border. The agreement with certain amendments was ratified by Congress²⁹⁶ on March 3. The amendments

²⁹³ Noble to Com. Ind. Aff., Dec. 5, 1892, OIA., *Record of Letters Sent*, No. 77, p. 318.

²⁹⁴ Noble to the President, Nov. 15, 1892, *H. Ex. Docs.*, 52 Cong. 2 sess., xii(3087), p. xlviii.

²⁹⁵ The resolutions were referred to the Senate Committee on Indian Affairs on February 7, 1893; *S. Misc. Docs.*, 52 Cong. 2 sess., i(3064), no. 43; see also Morgan to the Sec. Int., Aug. 27, 1892, *Indian Affairs* 1892, pp. 79-80.

²⁹⁶ Act of March 3, 1893.

²⁷ *Statutes*, 640. It was provided that any railroad company should be relieved from any further payment of compensation to the Cherokee nation as required by law for running a railroad across the Outlet.

were accepted by the Cherokees ²⁹⁷ on April 3 and a deed of relinquishment to the United States was executed May 17.²⁹⁸ Sixty-two citizens of the Cherokee nation received allotments under the provisions of the agreement; the surplus lands were opened to white settlers on September 16; the Cherokee Commission was dissolved on November 7; and the Cherokees had disposed of the Outlet.

THE END

²⁹⁷ Browning to Sec. Int., Sept. 16, 1893, *Indian Affairs* 1893, p. 33. There is a certified copy of the act of the Cherokee Council in the Indian Office, L. 20006-1893.

²⁹⁸ The deed or "contract" is in *ibid.*; it is recorded in the Indian Office, Land Div., *Record of Treaties*, iii, 52-68.

Much of the value of this series of articles is due to two friends. Paul M. Niebell, Attorney of Record for the Creeks and Seminoles, was called to my rescue often among the old files and records in the Office of Indian Affairs. Brent Morgan, whose proficiency in that office is proverbial, tolerated scores of my questions about the location of unprinted sources.

²⁹⁹ Dr. Berlin B. Chapman is Professor of Economics at the Fairmont State Teachers College, Fairmont, West Virginia. He was Assistant Professor of History at Oklahoma Agricultural and Mechanical College, 1927-1930.

THE PART PLAYED BY THE ENSLAVEMENT OF THE INDIANS IN THE REMOVAL OF THE TRIBES TO OKLAHOMA

Gerald Forbes

Christopher Columbus inaugurated Indian slavery in this hemisphere when he introduced the culture of sugar cane in the West Indies. The Caribbean planters were prosperous while the supply of enslaved native labor was adequate, and the number of planters increased with their prosperity. Consequently the demand for Indian slaves increased. Disappointed gold seekers were quick to find remuneration in supplying the demand for slaves, and their ships soon had removed most of the Bahama native population.¹ Spanish land grants included the bodies of the natives occupying the areas, and the Catholic Majesties sanctioned Indian slavery as being in accord with the laws of God and man—otherwise the Indian could not be reclaimed from idolatry.² Those Indians who escaped enslavement were forced to pay tribute.³

The Spanish plantation system was modified in 1529 when Cortez transferred it to the continent. Officially, no Indian was given the Spaniards to serve them nor were the families, persons, or goods of the natives to be wronged.⁴ Hernando de Soto, on the contrary, when he explored the southeastern area of the present United States, was equipped with chains and iron collars with which to shackle captives. DeSoto's principal assistant held an estate in Cuba and needed slaves. The patent of Ponce de Leon provided that the Indians on any islands that he might discover

¹ James Rodway, *The West Indies and the Spanish Main*, London, 1898, 19-20.

² Almon Wheeler Lauber, *Indian Slavery in Colonial Times Within The Present Limits of the United States*, in *Studies in History, Economics, and Public Law*, LIV, No. 3, Columbia University, New York, 1913, 49.

³ Rodway, *op. cit.*, 15-16.

⁴ Charles C. Royce, *Indian Land Cessions in the United States*, *Eighteenth Annual Report of the Bureau of American Ethnology*, II, Washington, 1899, 539.

should be distributed among the members of the expedition, so that each might be well paid.⁵ Thus was the servitude of the American aborigines established by the first Europeans, but by 1650 the Spanish laws placed a ban on the use of Indians as burden carriers.⁶

The enslavement of the southern Indians had been started before the Carolina colonizing patent had been granted (1663). A group of New Englanders settled at the mouth of the Cape Fear river in 1660; but the hostility of the Indians forced them to abandon the colony in three years. The Indians had been aroused by the activity of the colonists in kidnaping the native children and selling them into slavery in New England.⁷ One of the reasons for the Tuscarora War was the enslavement of Indian children.⁸ Lord Baltimore was authorized by Charles I to put the Indians to death or save them, and at that time the salvation of the natives was equivalent to slavery.⁹

Two decades after the founding of the Carolinas, one observer avowed the relations of the English and the Indians to be most friendly. He called attention to a special court established by the proprietors to settle differences between the settlers and the natives.¹⁰ But that condition likely pertained to a small area, because the next year (1683) the colonists were warned of the evils and dangers likely to result from enslavement of the Indians.¹¹

The first and chief offenders in the enslavement of the Indians were the English traders, who acquired the services of the natives in all possible ways. Some of these English men lived among the tribes and maintained groups of slaves with which to capture Indians for sale into servitude in the West Indies.¹² By 1685 the Indian slave trade was a business in the Carolinas. In

⁵ Lauber, *op. cit.*, 49-51.

⁶ Royce, *op. cit.*, 539-541.

⁷ John S. Bassett, *Slavery and Servitude in North Carolina*, in *Johns Hopkins University Studies*, XIV, 179-263, Baltimore, 1896, 239.

⁸ Lauber, *op. cit.*, 197.

⁹ Royce, *op. cit.*, 551.

¹⁰ Alexander S. Smaley, jr., ed., *Narratives of Early Carolina, 1650-1780*, New York, 1911, 172-173.

¹¹ *Calendar of State Papers, Colonial Series, America and West Indies*, 1681-1685, London, 1898, No. 1284, 508-510. (Hereafter Cited, *Calendar*.)

¹² Lauber, *op. cit.*, 183.

addition to the traffic of the traders, the slave market was increased by numerous Florida captives taken by the Yamassee, whose raids were encouraged by the English.¹³ The proprietors decreed that no Indians be sold as slaves unless they were taken in war with the English.¹⁴ The efforts of the proprietors, and their agents the governors, were futile, however.¹⁵ With the expanding of the relations of the colonists with the Indians, South Carolina became the center of the slave traffic in natives.¹⁶

The most spectacular slave raid was led by Colonel Moore in 1703 against the Indian towns in northern Florida. Probably Moore, formerly governor of South Carolina, took about 1,500 Indian captives back to Charlestown; but not all of them were sold as slaves. Moore was angered when the officials prevented the sale of all the prisoners, for the profits of the expedition had thus been reduced and he argued that his men should receive about one hundred pounds each from the spoils of the enterprise.¹⁷ Earlier in the century an attempt had been made to regulate the traffic through the licensing of the traders,¹⁸ but by 1707 South Carolina was encouraging the slave trade. Bolts, locks, and shackles were supplied the traders. Special brands were supplied to differentiate the tribal origins of the captives.¹⁹ The South Carolina Assembly (1707) set up a Commission of nine members to direct the slave business of the traders. The Commission attempted to regulate the trade, but without success, and more Indian slaves than before were transported to Boston, Rhode Island, Pennsylvania, New Jersey, Virginia, and the West Indies. An

¹³ James G. Johnson, "The Colonial Southeast, 1732-1763; An International Contest for Territorial and Economic Control," *University of Colorado Studies*, XIX, No. 3, Boulder, 1932, 168.

¹⁴ *Calendar*, 1685-1688, No. 172, 39.

¹⁵ Lauber, *op. cit.*, 178; Verner W. Crane, *The Southern Frontier*, Durham, N. C., 1928, 38.

¹⁶ Verner W. Crane, "The Southern Frontier in Queen Anne's War," *AHR*, XXIV, 379-395, New York, April, 1919, 381.

¹⁷ Herbert Eugene Bolton, "Spanish Resistance to the Carolina Traders in Western Georgia, 1680-1704," *Georgia Historical Quarterly*, Savannah, June, 1925, 115-130, 128; John R. Swanton, *Early History of the Creek Indians and Their Neighbors*, Bureau of American Ethnology, *Bulletin*, No. 73, Washington, 1922, 123; Lauber, *op. cit.*, 135; Col. Quarry to Council of Trade and Plantations, May 30, 1704, *Calendar*, 1704-1705, 145.

¹⁸ Smaley, *op. cit.*, 270.

¹⁹ Johnson, *op. cit.*, 169.

act was passed by the Assembly to empower the commanders of expeditions to purchase Indian prisoners more than twelve years of age. These slaves were then to be bought for not more than seven pounds by the Public Receiver and sold by the proprietors in the West Indies. The purchase and enslavement of a free Indian was forbidden, and the penalty for conviction was sixty pounds.²⁰

The greedy Carolina traders, however, sold their goods for high prices and paid the Indians low rates for their pelts, thus promoting economic servitude. They intrigued to incite intertribal wars and bought the captives of both sides.²¹ In 1715 the once-friendly Yamassee's uprising was caused in part by the fear that they too were to be enslaved by their allies, the English.²²

Apparently the Yamassee War largely was the result of economic injustice, and other neighboring Indians joined in butchering the English. The English had divested the Indians of their lands by fraud and force. They had asserted that the Indians had no more claim to the soil than the bear or deer. To enslavement the English had added such abuses as beating, mutilation, theft of personal property, and pursuit with dogs.²³ It was believed that about 15,000 Indians participated in the attack on the English.²⁴

This uprising did not end the Indian slave traffic, however, for the next year a decree was issued making it illegal to brand the captives with hot irons. It provided for branding by tattoo with oil and gunpowder. This decree may have been disregarded, however, for at a later date three branding irons for marking slaves and peltry could be purchased for one pound ten shillings.²⁵ By 1732 the South Carolina slave business was no longer a major trade.²⁶ But the Creeks still feared enslavement in 1763 when the

²⁰ Lauber, *op. cit.*, 136, 180-182.

²¹ *Journal of the Commissioners of Trade and Plantations, March, 1714, to Oct., 1718*, London, 1924, 54. (Hereafter cited, *Journal*.)

²² Swanton, *op. cit.*, 100; Lt. Gov. Spotswood to Council of Trade and Plantations, June 4, 1715, *Calendar, 1714-1715*, 200.

²³ Thomas Bannister to Council of Trade and Plantations, July 15, 1715, *Calendar, 1714-1715*, 234-235.

²⁴ David Crawley to William Boyd, July 30, 1715, *Calendar, 1714-1715*, 247.

²⁵ Johnson, *op. cit.*, 169.

²⁶ Lauber, *op. cit.*, 201-202.

Treaty of Augusta was signed. The Creeks refused to go nearer Charleston than Augusta for this treaty conference.²⁷ By 1780 all the southern coastal Indians had been exterminated or had retreated to the interior and joined the stronger tribes.²⁸

The uses of the Indian slaves were limited. The first Europeans found them convenient as burden carriers. DeSoto at one time had eight hundred burden carriers.²⁹ The Indians during this exploratory period served also as guides and interpreters. In colonial Louisiana the Indian slaves tilled the soil.³⁰ In the first half of the seventeenth century the Spanish started the fortress at San Augustin on which the Apalachee Indians worked for sixty years.³¹ In 1685 Doctor Woodward became ill while among the Creeks, and he was borne on a stretcher to Charleston, while one hundred and fifty braves carried his peltry.³² By the beginning of the eighteenth century the Indians were being used as guides, farmers, porters, household servants, interpreters, and builders. As porters they were very important to the English traders, who by 1707 were selling much goods to tribes living seven hundred miles inland.³³ This use of the Indians amounted to slavery, although the natives retained their freedom, for the trader would give the native a bit of cotton cloth or a string of beads for the portage of a heavy bundle of pelts across a fourth of a continent. With beads, hoes, axes, guns, powder, and shot, the traders gathered fifty thousand tanned skins for exporting at Charleston in 1709.³⁴ That year Charleston extended its trade to the Mississippi.³⁵ By the time of the Yamassee War the traders in the in-

²⁷ Journal of the Proceedings of the Southern Congress at Augusta, 1 October to 21 November, *North Carolina Colonial Records*, XI, 156-179, in Clarence E. Carter, "British Policy Toward the American Indian in the South," *English Historical Review*, XXXIII, January, 1918, 37-56, 38n.

²⁸ Lauber, *op. cit.*, 287.

²⁹ *Ibid.*, 55; Frederick W. Hodge and Theodore H. Lewis, *Spanish Explorers in the Southern United States, 1528-1543*, New York, 1907, 175.

³⁰ Lauber, *op. cit.*, 82-84.

³¹ Caroline Mayes Brevard, *A History of Florida*, New York, 1919, 61-62.

³² H. E. Bolton, *Arredondo's Historical Proof of Spain's Title to Georgia*, Berkeley, 1925, 52.

³³ Governor Johnson and Council to Council of Trade and Plantations, September 7, 1707, *Calendar*, 1708-09, 468.

³⁴ Governor Johnson and Council to Council of Trade and Plantations, September 17, 1709, *Calendar*, 1708-09, 469.

³⁵ Smaley, *op. cit.*, 310n.

terior were demanding porters of the various tribes. These porters would be expected to carry burdens of seventy to one hundred pounds as far as five hundred miles.³⁶ In 1717 the Savannah factor sent a shipment of beaver skins to Charleston for which the porters received each nine inches of stroud cloth, and those who were loaded for the return trip were given each one pair of cotton stockings.³⁷ The most satisfactory use of the Indian slaves, however, was as hunters and fishermen.³⁸ An Indian hunter was expected to gather three hundred pelts annually.³⁹ In 1712 a South Carolina law permitted an owner to work his Indian slaves for hire. About thirty years later a committee, seeking ways to encourage immigration, included a proposal that slave owners be prevented from teaching their servants trades that would compete with the skills of newly-arrived whites.⁴⁰

The continental Indians had no Las Casas, as had the Caribbean natives, and the South Carolina proprietors granted the privilege of selling the captive aborigines as the "cheapest means of encouraging the soldiers of the infant colony." Governor West saw in the sale of the captive Indians a means of paying for the defense of the colony. The Assembly wished to control the slave business, and offered Governor Johnson two hundred pounds for his cooperation, but he refused because the perquisites of his office were more profitable. At New Orleans, Bienville requested the Minister of Marine for authority to trade Indians for negroes in the West Indies. He would have traded three Indians for two negroes, because the Indians ran away and were not so docile.⁴¹ The value of the Indians as slaves is to be seen in the fact that during the Tuscarora War (1711-1712) more than seven hundred were sold for ten pounds each. If an Indian captive were killed, the public treasury paid the captor ten pounds, which must have been less than the sale price or there would have been no incentive

³⁶ David Crawley to William Boyd, July 30, 1715, *Calendar*, 1714-1715, 247.

³⁷ Johnson, *op. cit.*, 167.

³⁸ Bassett, *op. cit.*, 240.

³⁹ Johnson, *op. cit.*, 184.

⁴⁰ Lauber, *op. cit.*, 245-246.

⁴¹ *Ibid.*, 97-98, 134, 178, 182-183.

to spare the life.⁴² By 1713 the colony of North Carolina was dealing in Indian slaves to be shipped to the West Indies. Two years later the laws were changed to provide for public auctions of the slaves that brought revenue to the colony, but the buyers were required to send the Indians to the Indies within two months. By 1721 South Carolina had placed an import duty on Indian slaves. As early as 1703 Indian slaves were considered taxable property in South Carolina, while in 1690 they were looked on as property that might be used in the payment of debts.⁴³

In their home areas the captive Indians were difficult to govern. When enslavement was attempted near the scene of capture, the Indian was in a position to escape momentarily. The unconquered remnant of the tribe might prove dangerous to the captors of their relatives.⁴⁴

The West Indies offered the chief market for the Indians, for there they could be exchanged for the more tractable negroes or could be sold for good prices. But when the New Englanders had depleted the supply of nearby natives they bought servants from Maine and the Carolinas. Cotton Mather once bought a Spanish Indian as a gift for his father.⁴⁵

The number of enslaved Indians is difficult to determine, and likely will remain an estimate. Colonel Moore captured more than one thousand, and the raids of Barnwell, Nairn, and Palmer brought nearly fifteen hundred more Indians to slavery by 1724.⁴⁶ In 1708 Indians were believed to have supplied one-fourth of the slaves in South Carolina.⁴⁷ In that year Governor Johnson reported that there were five hundred Indian men in slavery, six hundred women, and two hundred children.⁴⁸ For comparison, there were reported 4,100 negro slaves in the colony.⁴⁹

⁴² Bassett, *op. cit.*, 241.

⁴³ Lauber, *op. cit.*, 133, 136, 226, 227, 234.

⁴⁴ Bassett, *op. cit.*, 241.

⁴⁵ Lauber, *op. cit.*, 105, 164, 169.

⁴⁶ *Ibid.*, 120-121.

⁴⁷ Royce, *op. cit.*, 632.

⁴⁸ Governor Johnson and Council to Council of Trade and Plantations, September 17, 1709, *Calendar*, 1708-1709, 466.

⁴⁹ Lauber, *op. cit.*, 106.

The economic results of the enslavement of the Indians were various and numerous. One of the reasons for founding Georgia as a non-slave colony was to forestall the escape of Carolina slaves.⁵⁰ The slavery traffic resulted in inter-tribal wars, which disrupted the colonial trade with the warring Indians and their neighbors. The wars also cleared large areas of the native population, opening more territory for the expansion of the English colonies. Since the traffic in Indian slaves was profitable, the proprietors became jealous of the incomes of their officials and removed several governors, thereby preventing stable government in the colony of South Carolina. While the enslavement of the natives injured the trade in English goods by depopulating whole regions, it was in turn an aid to business, for through the forced labor of the Indians the traders transported stocks of merchandise far and gained an economic hold on the interior. Thus did the Indian porters serve to spread geographic knowledge among their conquerors.⁵¹

⁵⁰ Joshua R. Giddings, *The Exiles of Florida*, Columbus, O., 1858, 2-3.

⁵¹ Gerald Forbes is a graduate student at the University of Oklahoma, Norman.

NOTES OF A MISSIONARY AMONG THE CHEROKEES

Edited by
Grant Foreman.

When the Cherokees removed from the present Pope County, Arkansas, to the Indian Territory in 1829, Dwight Mission was moved also and located on Sallisaw Creek in the present Sequoyah County, Oklahoma. Two branches of the mission were removed, one of them named "Forks of the Illinois," which later became Park Hill Mission. The other was located high up on Sallisaw Creek near what was then called Flint but now Stilwell.

This mission, called Fairfield, was first directed by Dr. Marcus Palmer, missionary and physician of White Plains, New York, who undertook to start a school there in 1830. Mr. Palmer proposed that he and his wife would board fifteen Indian children for fifty cents each a week. But from a prevailing drought there was not sufficient water in the stream to run the little mill required to make the meal essential to the support of the children expected to attend, and so opening of the school was postponed. The Cherokee, Walter Webber, who lived near by was much interested in the education of the children and offered to help. Conditions improved and by 1832 the school had thirty pupils. The following Christmas, as Palmer prepared a little celebration for his Cherokee friends, Walter Webber sent word that he was going to have a Christmas party at his house and had all the children and grown people in the neighborhood in attendance.

Palmer was aided by his wife and Jerusha Johnson, teacher, of Colchester, Conn., who arrived at Fairfield January 3, 1833. In 1835 he had sixty pupils, but reported the sad news of the death of Walter Webber on April 4. Palmer's wife, Clarissa, had been ill for two or three years and returned to her home at Granville, Ohio, where she died on September 8 of that same year. A Baptist missionary named Samuel Aldridge who was in the country came to Fairfield to receive medical attention at the hands of Dr. Palmer, and died there November 22, 1835. The next year on

February 7, Widower Palmer married his assistant, Jerusha Johnson. He served at Fairfield until about 1839 when he was succeeded by Dr. Elizur Butler.

In December Mr. Butler reported to the Indian Agent, in reply to a circular issued by the department, that he had twenty-two pupils, fourteen of whom were girls. The original buildings, he said, consisted of a double log cabin sixty feet by twenty-six, a story and a half high with two stone chimneys, a school house twenty-two feet by twenty-six, with a stone chimney, and out-buildings, all erected at the expense of the American Board of Commissioners for Foreign Missions, except eight or nine hundred dollars advanced by the Cherokee Nation. Since he arrived at the mission, he said, the dwelling house had been repaired with additions and a meeting house and school room had been erected, both under one roof. The whole building was fifty by thirty feet in size, having a movable partition. The labor of hewing, collecting materials, making shingles and putting them on this building was nearly all done by Indian neighbors of the school, but the sawed lumber, nails, glass, and carpenter work was at the expense of the mission board.

Reverend Mr. Butler went to the Cherokee Female Seminary about 1852 and the next year Rev. Edwin Telle was reported at Fairfield. In 1855 the mission was served by Rev. Horace A. Wentz, missionary, Mr. and Mrs. James Orr, assistants, and Miss M. E. Denny, teacher.

Reverend Charles Cutler Torrey who had just graduated from the Theological Seminary at Andover, Mass., was married September 5, 1855. The young couple then left for Indian Territory and in the autumn took up their work and residence at Fairfield. The following are extracts from the autobiography of Mr. Torrey kindly furnished by his daughter, Miss Emily R. Torrey, of Providence, Rhode Island.

We rested at Fairfield until my horses' heels were healed. A——¹ was much better after a little rest and took charge of the

¹ Addie—Mrs. Torrey.

school as there was no teacher. She stayed there all winter.

After a few days, I started out on horseback to ride the two hundred miles to the Choctaw Mission. Spending the first night at Lee's Creek, I reached the Arkansas River early in the afternoon of the next day, but had to wait with several others until nearly sundown for a scow to be bailed out to take us across. It was too late for me to go farther that night and I had a very pleasant visit with Dr. Butler, my predecessor at Fairfield, who had a small church in Van Buren. From there, according to his advice, I went to Lenox, Dr. Hobbes' Station, instead of keeping directly on to the more southern stations. I reached there the day before Christmas. It was warm and sunny—so warm that I sat without a coat at an open window. But the next morning it was fearfully cold, so that all the water in the house was frozen. It was one of the "Northers," as they are called, a cold blast sweeping down from the Rocky Mountains. We had them in the Cherokee Country, but they are worse farther south. Sheep are often killed by such sudden and violent cold. I preached the next day in the log church, a large building which was impossible to heat. We had to make the services as short as possible for the few people who ventured out. Learning from Dr. Hobbes the condition of things in the Mission with reference to the slavery question, I thought that I ought to hear from the secretaries of the Board in Boston before deciding anything, so turned back toward the Cherokee Country.

On my way to Fairfield, I reached Lee's Creek about dinner time. My horse was tired, so Brother Ranney² offered me his. I was late in starting, but he said that the horse was familiar with the road and would be sure to take me to Palmer's Mill, only half a mile from the Mission. Mr. Copeland was at Lee's Creek, journeying toward Fairfield with a double wagon and a Choctaw boy who was not well, and though I might have travelled with them, I chose to go on. I loaned them my thick blanket and took Mr. Copeland's thin one, as they were to camp out, and I expected to

² Timothy E. Ranney, at Lee's Creek.

be in Fairfield before dark. However, I lost my way soon after I had started, and in turning back, met Mr. Copeland's wagon. I remembered that I had no matches, and begged some from them, but they had only a few and gave me less than half a dozen. It was the last day of 1855, and I had been so delayed that the light was soon gone. The night in that region falls at sunset like the putting out of a candle, and I found myself suddenly in the dark. Soon after I found that my horse was out of the road, I dismounted and tried to find it, but only wandered deeper into the woods. Feeling about, I found a fallen tree, and tying my horse, I scraped together some dry stuff and lighted a fire. I took off my saddle and with that and the blanket fixed a sleeping place where the tree trunk sheltered me from the wind, and after gathering fuel for the fire, I lay down for the night. In the morning I awoke before light. There was a pale old moon rising behind the trees. I saddled and mounted my horse, who whinnied as soon as I rose, and I supposed that being cold and hungry, he would start back toward Lee's Creek and so bring me to the road. Without touching the reins, I told him to go on, but he refused to start off in any definite direction, and I saw that he was as thoroughly lost as I was myself. I then started riding towards the moon, keeping it directly in front of me, and watching for a trail. I soon came to a blazed path which lay across my course, and wishing to go north, I turned to the left, followed the blazed trees, and came to the edge of a bluff. There I saw a cabin in the valley below. The negro woman who lived there gave me feed for my horse and directed me to Fairfield, only about four miles away. I reached there about nine o'clock and knocked at the door of the school. A small boy came to the door. I told him to tell the teacher³ I was there.

We remained at Fairfield during the winter, I doing missionary work and A—— teaching the school, awaiting further orders. We had a very uncomfortable winter, boarding with Mr. and Mrs. Orr, lay missionaries, who gave us very poor food at uncertain hours, and very poor lodgings in the upper half story of the log

³ Miss Sarah Dean.

house. I did not take possession as it was yet uncertain whether I should stay.

Early in March, 1856, I received orders from Mr. Treat in Boston to attend the meeting of the Presbytery and Mission at Bennington Station among the Choctaws, a journey of three hundred miles and back. I found by this visit that the missionaries were about to leave the American Board and put themselves under the protection of the Presbyterian Board. The Missionaries believed that if they continued to depend on the American Board for their support, they would be ejected from the nation by the U. S. Agent at the request of the Choctaw Council.⁴ I saw that if I remained with them I must leave the service of the American Board. This decided the question for me, and resulted in my remaining with the Cherokees. You will see as my story proceeds that I had to meet the same prejudices in the Cherokee country.

Before returning to Fairfield, I went to Wheelock Station to get our household goods which had been shipped by boat. The boat conveying them up the Red River had been snagged and the goods badly injured. A whole box of books including my Greek and Latin and Hebrew lexicons had been soaked to death. A bureau which her brother made for her rested on end as the box lay in the water and you may imagine the condition of its contents, soaked and mildewed. My letter written at the time says I was obliged to split off the back of the bureau and to drive the drawers out with a hammer. Sheets, pillow cases, gowns, quilts, handkerchiefs were soon piled around me in mournful array, mildewed, mouldy, spotted and spoiled. A clock was found with its case soaked to pieces and the works spoiled. For four days I worked incessantly from dawn until dark to rescue what I could, and though my friends protested that I ought to stop and rest, I

⁴ Missionaries from the North, and most of them were from the North, viewed the institution of slavery with disapproval and indiscreetly gave public expression to their opinions. Their actions were bitterly resented by the Indians. Injection of this unhappy question greatly hampered the work of the missionaries and finally resulted in the withdrawal of the American Board of Commissioners for Foreign Missions from the conduct of the schools in the Choctaw Nation. The Domestic Board of the Southern Baptist Convention located at Marion, Alabama, assumed part of the work in the Choctaw Nation.

felt impelled to press on towards home. I thought that the change from working to riding would be a rest, and so it proved; and I go on to say that leaving as I did, I escaped a long delay by passing certain streams just ahead of a flood which made them impassable almost immediately after I had crossed. At the same time, by stopping over Sunday, there was time for other floods ahead of me to run down.

I reached Dwight Station after a somewhat wearisome journey. There I found A—— whom I had left under the care of Mr. and Mrs. Willey⁵ during my absence of almost six weeks. I was obliged to start off again at once to a Mission meeting at Lee's Creek, after which we settled down at Fairfield for our permanent work. The condition was very discouraging. My predecessor had alienated the people in various ways and they were unwilling to come to church or to the Mission premises. The feeling which prevailed was curiously expressed in the name which they gave to little Mary when she came—"Te-is-tes-ki" which means, "Now I'll try."

We had a comfortable log house and out-buildings with about twelve acres of land and all the wood we chose to cut within easy reach. The land was sown to corn and oats for our horses and cows. I had three horses, a herd of cows and young cattle that supported themselves for the most part summer and winter from the range. I also had many hogs who went through the year with the help of a little corn, except six which we took up and fattened every fall, giving us twelve hams and shoulders and many pounds of bacon. The hams and shoulders were pickled and the bacon was piled up in slabs with layers of salt, and when sufficiently cured was hung up in the smoke house and smoked with hickory chips and corn cobs. It made very palatable meat, and kept surprisingly well all summer. We needed it all, as we had to "use hospitality without grudging" and I used to sell or exchange some of the bacon for venison which was very common. I milked nine cows, but had to keep the calves sucking all summer to entice the cows home from the range. The milk obtained would be

⁵ Worcester Willey, at Dwight.

considered a meager supply from two cows, at home. A——, with my help, made butter and cheese enough for our own use. Watermelons grew there like pumpkins. I raised a quantity the first summer, and after church and Sunday-school invited the people to the house and feasted them upon melons and pies, and in that way they were gradually won back to a proper interest in the church and school. Indeed much of the time, both Sundays and other days, we had to keep open house, and sometimes in this way entertained strangers who proved to be angels. We had a melodion and the people were fond of singing their Cherokee hymns, while A—— played for them. They often came to the house for this purpose. We had two little Cherokee girls, Polly and Lizzie Glass, who lived with us until we moved to Park Hill.

On August 20, 1856, Mary was born. Her mother was very sick, and the baby very feeble, and I had great reason to fear that both would die. Dr. Butler of Van Buren had promised to come to us in case of need, but he was sick at the time and sent another Van Buren doctor. He arrived after the child was born, stayed about an hour, got his breakfast, fed his horse, and charged me forty dollars without doing a cent's worth of good to either mother or child. I then did what I should have done at first—sent for Dr. Hitchcock,⁶ our missionary physician at Park Hill, who though both were in a critical condition, preserved their lives by his skill and faithfulness. For a long time A——was very weak, and Mary was a great sufferer. I walked the floor with her night after night so that her mother could sleep. One of my letters written that year says that I had no unbroken night for six months. After about a year Mary rallied and became a healthy child, and A——grew better.

We were obliged to hire slaves from their owners, if we wished extra help, and always gave them some money for themselves in addition to what we paid their masters. In July, 1856, we had in our employ a slave named David, a member of our church, and a

⁶ Dr. Dwight W. Hitchcock, a graduate of Amherst College, married Hannah, daughter of Rev. Samuel Austin Worcester. He was a son of the Rev. Jacob Hitchcock of Dwight Mission.

good man, and a good servant. He found that he was to be taken from us and hired out at another place to which he dreaded to go. So he determined to run away. He asked for my horse to go to Park Hill, and without any suspicion of his real purpose, I let him take the horse. He went to Park Hill, but instead of returning, struck out for Kansas—a foolish thing, for he was sure to be called to account by the first white man or Indian he should meet. He was arrested and brought back and Mr. Worcester and I were charged with instigating him to run away, and with furnishing him with money and a horse for the purpose. (My horse, incidentally, was nearly ruined and died not long afterwards.) The affair stirred up a general excitement throughout the country. It was taken up in the legislature, and certain parties tried to get an act to request my removal. I made an affidavit as to the real facts in the case, showing that I knew nothing whatever of David's purpose. They tried to pass an act requiring all missionaries to appear before the U. S. Agent and give an account of themselves, but this also failed. I had an opportunity to do this later, of which I will tell you in the course of my story.

Our farming operations occupied a good deal of time. We used to keep the calves near the house and let the cows run at large in the range through the day. Then they would come home to their calves every night and we would shut them up until morning. We tied a calf to a stake and let his mother come to him and after he had got her to giving down her milk we drew the rest into the pail. I rigged up a cheese press so that A—— could make small cheeses. We raised Irish and sweet potatoes and had an abundance of fruit. Blackberries grew wild very large and sweet and not seedy as they often are here. They were as good as the best varieties of cultivated berries.

All this farming was a hindrance to our missionary work, but it was important, for it stimulated the people who had been greatly discouraged by their forced removal from the East. One man, when urged by a missionary to be more thrifty and industrious, replied, "I worked hard *once* and got a good farm, and it was taken away from me, and I am not going to try again." The

people were naturally indolent and despised labor as is common in slave communities. A white man, a Methodist exhorter, found me at work in the field one day, and exclaimed, "What! do you work?" "Of course I do when I choose to," I replied. "Well," said he, "you have a position and it will do for you, but it would never do for me." This I found to be true in the case of a young Frenchman whom I hired to work for me. He was intelligent, had a good education, and was a very capable man, who had been somehow stranded in that distant land. He worked for me very satisfactorily for several weeks and was paid good wages. But he gave it up because even the Negroes despised him for having to work. All this was greatly changed by the war, both in the Indian Territory and throughout the South.

A—— took great pains with the children and with the women. Her women's prayer meeting created much interest. One woman walked three miles to attend it, and was very constant; another who had a lifelong lameness walked a long way on crutches.

Once a month I went about twenty miles to Pea Vine, where was a school taught by Miss Esther Smith of Royalton, Vermont. She knew Uncle Joseph in his ministry there and regarded him very highly. She was a very devoted Christian woman and had the confidence of the Cherokees to an unusual degree. I went to the neighborhood of her school house and preached on Saturday evening, and on Sunday forenoon I rode towards home with my interpreter about twelve miles to the house of John Agnew, a white man. There I preached to his slaves and a number of others from the neighborhood. This was to me one of the most satisfactory of my meetings. They all understood English and I could preach directly, and they listened eagerly and seemed to drink in the truth. Many of them belonged to the Fairfield Church, and used to come eight miles to meeting as they had opportunity.

The spiritual results of my work at Fairfield seem very meager. There were few conversions. I made some improvements on the place, but these were all swept away by the War. The two armies, Confederate and Union, swept back and forth over our missionary

fields, and from all I can learn, I think that our work there is largely effaced.

I had no difficulty in making my way about, for the Indians were apt in sign language. A deaf and dumb man called at Park Hill while we were there and conversed with us by means of a small slate which he carried in his pocket. He told us that he had no trouble in conversing with the Indians by signs for all needful purposes. I found it so in the Choctaw country. I was advised to stop over night with a certain Choctaw family. Night came on before I reached the place and I stopped at a house to inquire how much farther I had to go. They could neither talk nor understand English, so I simply gave the name of the family, indicating that I wanted to reach them. In reply my informant placed his fingers in the shape of a roof and held up one hand with the five fingers erect, indicating that there were five houses more to pass, which I found to be true.

The Cherokee language is very difficult. A Cherokee child with equal opportunities to learn his own language or the English will be almost sure to learn English first. I learned a few words of Choctaw much more quickly and readily than the same amount of Cherokee. The languages of the different tribes are not at all alike, excepting the Choctaw and Chickasaw which resemble each other very closely. To ask for water in Choctaw, one says, "Oka sabuna." In Cherokee, "Amu aquituleha." But if you accent the first syllable of *amu*, you will ask for salt.

The Indians at that time lived in very comfortable log cabins, many of them built of hewn logs with the interstices filled with lime mortar. Some of them lived in frame houses. Their way of making their graves was by a little cabin about eight feet long, three feet wide, and about three feet high. The better class used tombstones. They were inclined to imitate the missionaries in their mode of living, and were superior in neatness and thrift to the white people along the border of Arkansas.

The war opened the old sores which had rankled more or less from the time of the forced removal of the people from their an-

cient home in the East. Mr. Ross and his party stood for the Union and Stand Watie and his party were for the South. The loyal Indians called themselves "Pins" and were recognized by a common pin which they wore in a certain way in their dress. Those who loved the missionaries followed Mr. Ross. My interpreter, Jesse Russel, or Gayasquani, wavered from one side to the other, according to circumstances, and was finally taken to the woods and shot by some of the loyal Indians.

Mr. Ross remained in the country for a while but finally went north with his family and I think he never returned. He was a very remarkable man and in many respects a savior of his people. His mother was a half Cherokee, and his father a Scotchman. Like the present president of Mexico, he was elected and re-elected to the office of Principal Chief as long as he lived, though there were many of the people who were bitterly opposed to him. Not long after the war began, his house was burned with its contents—a very beautiful home, and for that country, finely furnished. His second wife was a refined and cultivated lady—Miss Stapler from Philadelphia.

Fairfield was the birthplace of my two older children. Thinking that you would like to see where our family life began, and where your father was born, I have drawn for you a plan of the house. It was one of the best in that region, built in the usual style,—a double log cabin, and a space between, all under one roof. These houses were about twenty-five feet square on the outside, built of hewn logs, the interstices filled with lime mortar so that there was a solid wall. The space between was originally open, but afterwards was closed in and finished for a room. There was an ell running out to what was, when we lived there, the road; but the house was evidently built to face the road on the other side. The ell was for kitchen, pantry, etc. The well was on the back piazza of the ell. A little room about eight feet square was built out from the ell, and was the private room of the teacher. There was a piazza in front and in back of the house, and a half-story was built above the logs of the cabins, giving two unfinished chambers, in one of which we spent our first very uncom-

fortable winter. It was a fine plant for a successful mission, and all that was wanting was success. Our work there covered about four years—1855 to 1859.

Let us turn now to Park Hill. This was the station of the veteran missionary, Samuel Worcester. He was with the Cherokees in Georgia, their original home, and, with Dr. Butler of whom I have spoken, was imprisoned at hard labor for eighteen months in the Penitentiary, because they refused to obey the unjust and unconstitutional laws of Georgia, enacted for the purpose of driving the Cherokees from their home.

When I first visited Dr. Worcester at Park Hill, he seemed desirous of knowing whether I were familiar with the dead languages. He asked me to write a sentence in Greek, which I did quite speedily and legibly, for it so happened that for some reason I had recently written considerable Greek text. He was evidently pleased, and I have always thought that he was thinking of who should be his successor. Both the other missionaries were college men, but not very scholarly. They had both been several years in the work, and had had no occasion, like Mr. Worcester, to keep up their studies. Mr. Worcester took me to the printing office and bindery and showed me the publications of the Mission press. They were all in 24to, a form that could be neither convenient nor permanent if gathered and bound together. The different portions of Scripture were bound separately. (You have seen my copy of the Gospel of John.) I asked him why he did not send them to the Bible House to be reprinted in a more convenient and permanent form. He replied that they had no type. "They will cast a font of type if you ask them to," I said. He had supposed the printing would be impossible unless under the superintendence of someone who knew Cherokee, but I told him I had no doubt that was unnecessary. He seemed somewhat incredulous, but wrote to the secretaries. As a result, the Bible Society cast a font of Cherokee type and the New Testament was carried through the press. Thus forty years of hard and costly labor was rescued from destruction, which but for the Bible Society would have been wholly lost.

In 1859 Dr. Worcester's health began to fail, and he sent for me to come and stay with him and take up the work at Park Hill. Leaving my family at Fairfield, I spent most of my time at Park Hill, preaching in the church there every Sunday without an interpreter, as they all understood English. I left A—— and the children in care of Mr. Chamberlain, a son of one of the old missionaries, who had married a Cherokee wife and lived near Fairfield Station. He moved into the house and relieved A—— of household cares, except the care of the two babies, Mary and Temple.

Dr. Worcester (he received the degree of D.D. from Burlington about this time) unfolded to me his plans, which included the revision of the Cherokee New Testament, whose translation was now nearing its completion. After I came to Park Hill we printed a small edition of the translation, enough for a form and I sent it to New York to be printed and stereotyped, so that the printers there could read from the printed page, rather than from Cherokee manuscript as our printer did. I also supervised with Dr. Worcester's help, the Cherokee Almanack, and after his death prepared the last that was issued, it having been published every year for many years. I think I gave a bound copy of the file to the Library of the University of Vermont. This almanac contained, beside the astronomical matter (furnished from year to year by Dr. Greenleaf of Bradford Academy) the names of all the principal officers of the Cherokee Government—judges, sheriffs, members of the two branches of the legislature—and was filled in as compactly as possible with original matter relating to temperance and religion.

I remained at Park Hill except for occasional visits to Fairfield until Dr. Worcester's death. He was a very quiet and patient sufferer. I was with him when he died, and he passed over as calmly as he ever fell asleep. He was "taken away from the evil to come." He was so wedded to Cherokee ways, having lived with them for half a century, that he would never have enjoyed living elsewhere and to have stayed at Park Hill would have been impossible. It would have broken his heart to have seen and ex-

perienced the desolations of War. He would have been robbed and maltreated and seen the destruction of the printing office, the death of his daughter's husband by unknown hands, the ruin of his beautiful brick church and the scattering of its membership. Everything at Park Hill, church, printing office and bindery, the station with all of its buildings, was swept with the besom of destruction. I believe the cemetery has now grown up into a thicket.

I will not draw a plan of the Park Hill house. It was a frame building of two stories, clapboarded, but lathed and plastered. It was quite convenient and pleasant in good weather, being well shaded with trees, but it was almost impossible to warm in those "northers" of which I have spoken. But they were of short duration and the winters were mild. The ground never froze. We had a deep well with pure and very cold water, the curb being on the piazza.

Dr. Hitchcock's house was only a few rods away, which was very fortunate for us on several occasions. A—— used to ride to church on horseback, a distance of half or three-quarters of a mile. I would put her on her horse and walk myself. One Sunday on reaching home I found her seated in the saddle unable to dismount. She had a severe attack of pleurisy and could not stir without great pain. I helped her into the house and sent for the doctor who had just got home. She could neither lie nor sit, but stood supported by the mantle-piece, leaning her head on her hands. He cupped her on each shoulder, drawing quite a little blood, which seemed to give immediate relief. She was very sick for several days. Had she been thus attacked at Fairfield, twenty-four miles from the nearest doctor, I think she would not have recovered. This is only one of several instances when she found great relief in having the doctor so near.

Cousin Mary has sent us some of your grandmother's letters written to her from the Cherokee country, among others one dated Park Hill, November 18, 1859, which says "Mary has nearly learned her letters and Temple can walk by pushing a chair before him." (her)

At Park Hill I had no need of an interpreter as all understood English, and many did not read Cherokee at all. The people were attentive and interested. Dr. Hitchcock told me that one of his patients wanted to get over an attack of illness before Sunday that he might not miss the next sermon on the Ten Commandments, on which I was preaching a series at that time.

Park Hill was five miles from Tahlequah, the capital. I used to preach there every Thursday evening in a Masonic hall. I had very large and attentive audiences, and I hope I did some good. I used to take tea at the house of Mr. Stapler, a merchant, brother of Mrs. John Ross. He had married a niece of Mr. Ross, a refined and cultivated lady who was educated at the North. I valued their friendship very highly. John Ross himself lived within two miles of us. He was a noble man. He kept the Cherokees from going over in a body to the South. He told me that the Southern leaders were trying by every means to compel him to join them.

A niece of Mr. Stapler's came out from Philadelphia to teach Mr. Ross's children. Her name was Mary F. Stapler—nineteen years of age and a very lovely Christian. She had been there only eleven weeks when she was suddenly removed by death. Sitting by an open wood fire, a spark set fire to her clothing, she ran out into the yard for help, and was enveloped in flames and fatally burned. She passed peacefully away, saying, "I shall soon be with my Saviour. He is waiting for me." She had shown great interest in the spiritual welfare of others, and would, to human view, have been an invaluable blessing to the people of the neighborhood. She was very beautiful in face and character, and winning in her ways. I felt her death like a personal bereavement. Only the day before she had read with Anne Ross the story of the three Hebrews in the fiery furnace.

About the time that my family came to Park Hill, Mr. Willey went away from Dwight on a vacation, and I had, in a way, the supervision of the three stations. It was about thirty miles from Park Hill directly to Dwight, eighteen from Dwight to Fairfield, and from there twenty-four miles to Park Hill.

Some months later as I was on my rounds again and near Fairfield, I was met by Jesse, Dr. Hitchcock's colored servant, who gave me a note saying that A——was very sick and about to give premature birth to a child. The Chamberlin family were now back in their own house which was more convenient to me than Fairfield. I rode to the door and Mrs. Chamberlin came out. I asked her for a piece of bread. She begged me to get down and have supper, but I told her how it was. So I rode on munching my bread. I was really too anxious to eat, but forced myself to do so, as I had had nothing since breakfast. We reached Park Hill about two a. m. and found faithful Dr. Hitchcock in attendance and the smallest baby I ever saw waiting for her papa. That baby was your Aunt Sadie. I found that a mob of disorderly men had besieged the house and demanded that I should come out to them. They could hardly be persuaded that I was not there in concealment. It seems that some negro in the neighborhood had been cruelly whipped and I was reported as having made some inflammatory remark about it. A—— had not fully recovered from a shock caused by striking her head in the dark against the edge of a door and this excitement about me brought things to a focus and the baby came to see what was the matter. Again, as at other times, we were thankful to have so good a doctor close at hand. Otherwise I should not have left home.

The next Thursday evening, though warned by some of the neighbors against going, I went to Tahlequah for my regular preaching appointment. I felt it my duty to go at all hazards, and I had no fear, for I was confident that no one would dare to do me violence. I was under U. S. protection, and people knew it. Accordingly, I appeared at the usual time at the hall, and as I expected, found it locked. I went for the key and Jesse Wolf, the janitor, said that they did not wish me to have any further use of the hall. I asked why. He said because of things I had been saying against slavery. I replied that I had said nothing, and that I could not have said the things I was charged with, because I was more than twenty miles away and had not heard of any cruelty to negroes. Meantime quite a crowd had gathered in the street. I

refused to talk with them, saying that all sorts of reports would be given of what I had said and therefore I would say nothing. But if they would open the hall and sit down in good order, I said I would tell them publicly how those who sustained me stood in regard to slavery. No, they would not open the hall, but I might present the case to the U. S. Agent when he came. This I told them I was ready to do. Their legislators had tried to pass a bill requiring the missionaries to appear before the Agent, but it could not be carried, and if they had passed it, Mr. Ross would have vetoed it. I was glad therefore, to do of my own free will what I should perhaps have refused to do by compulsion.

Accordingly, when the time came, I went to Tahlequah, hunted up Jesse Wolf, the janitor, and asked him to take me to the Agent. He seemed surprised, and said, "I did not suppose you would come." I replied that I never promised what I did not intend to do. Quite a large number gathered to hear what I had to say. I told the Agent that we thoroughly disliked and disapproved of the system of slavery, but that we had come there not as abolitionists, not to make the blacks discontented, or to stir up strife, but to preach the Gospel of Christ, and to proclaim the Golden Rule, believing that wherever the Spirit of Christ took possession there would be loving kindness and tender mercy. I have no doubt the Agent was a pro-slavery man, but he seemed satisfied with my statement, and I think he was pleased that I was willing to come to him, as he knew it was an act of freewill on my part. Mr. Ross was away at the time, or the disturbance would not have occurred. I called on him when he returned, and he said he was sorry I took any notice of the matter. But I think it was the better way.

As time went on, and state after state went out of the Union, the Board felt that some action must be taken about our situation. They had felt for some time from our reports that the Cherokees could no longer be regarded as a heathen people, and therefore subjects for foreign missions. This was true. Their constitution, modeled after the State Constitutions, recognized Christianity in requiring the administering of the oath to witnesses in court and

the government officers, and the people were all more or less directly identified with the Christian religion. Accordingly, I was directed to take measures for closing up our connections with the Board. At another time we might have sought to continue our work under some Home Missionary board. But with the absolute certainty of war, and war which would be sure to involve the very ground on which our missions stood, it seemed best simply to give up the field. I provided myself with the means of publishing the Cherokee Testament, having completed the revision with full notes under Mr. Foreman, our translator. My notes were made in two bound volumes, interleaved, of the Testament in 24to, as printed in our office. If you should ever wish to see them, they are in the Congregational Library in Boston. Mr. Ranney of Lee's Creek and myself believed that it was folly to attempt to hold our ground. Mr. Willey insisted on remaining, at an untold cost of suffering to himself and his family, which, to all appearance, was utterly useless. The property on the stations was soon hopelessly destroyed, the beautiful brick church burned, our printing house wrecked and its contents destroyed, and the mission premises so completely obliterated that it was with great difficulty that the site could be found and identified by the well of which I have spoken.

So on February 9, 1861, we of Park Hill turned our faces homeward. We had gathered our few belongings and sent them forward to Van Buren, a town on the Arkansas River, by an ox-team, which we followed and passed in a two-horse farm wagon. The man who drove the oxen was a son-in-law of Dr. Worcester, a half-breed Cherokee and an intelligent Christian man whom Hannah, his oldest daughter had married with the father's reluctant consent. He was to see that the horses and wagon were returned to the Mission. We spent the night at Lee's Creek with Brother Ranney. Addie was very feeble and became much exhausted by the journey. Sadie was five months old, Mary four and a half, and Temple just two. To reach a railroad would have required a long and toilsome ride over rough roads, through a country that was involved in the Kansas troubles. Therefore our escape must be by water. But only two weeks before I had crossed the Ar-

kansas River without wetting my saddle skirts. We could only wait. But soon word came that the river had risen and boats had come up to Van Buren. This was our opportunity, and we reached Van Buren early in the forenoon of February 20th.

I took A—to a hotel and had her lie down for a rest while I took the children and went to the levee to secure a passage on the steamer which was there. The captain said he should leave at noon sharp, as the river was falling and the boat might get left. He could not wait for our baggage which had not arrived. Twelve o'clock came, but no baggage. I went with the children to see the boat leave, not knowing what I should do when it was gone, as there was small prospect of another boat and we should have been obliged to go back to Park Hill and start again. To my surprise, the boat was still there. A flue had burst in one of the pipes as they were getting up steam, and they were riveting in a new one. I hastened back to the hotel and got my wife and we all went aboard, knowing that if the baggage did not come we must disembark. But God was very gracious to us. Just as the last rivet was hammered to its place our trunks were tumbled aboard and we had begun our homeward voyage.⁷

⁷ Dr. Grant Foreman lives at Muskogee, Oklahoma. He is the author of *Indian Removal, Advancing the Frontier, Indians and Pioneers, The Five Civilized Tribes, Pioneer Days in the Early Southwest* and other volumes.

THE VIGILANTES IN EARLY BEAVER

By J. V. Frederick

Beaver about 1885 was a small, struggling town on the Beaver River. A stage lot surrounded by a wire fence had a shed, stable, and a cabin in one corner; a picket cabin about twelve by twenty feet in size located about one hundred yards south had a dirt floor, dirt roof, and was daubed with mud. In addition, Jim Lane was the proprietor of a supply store which sold tobacco, bacon, coffee, beans, flour, and ammunition.

In 1887, Beaver began to assume the spirit of a lively city. The increased activity was largely due to two men named Og Chase and George Scramage who added City to the name Beaver. The former was well known for his long whiskers and his knowledge of medicine while Scramage was a good mixer and booster of city activities. Chase was also known for his great desire to run for governor of the district. Scramage bought land just south of town and planned to develop it. He also bought land to the southwest and started a new town called Grand Valley, about four miles south of the Beaver River. He claimed most of the land adjoining both towns.

With influential friends, he formed a vigilance committee in each town to keep order. Scramage established his credit in a store at Beaver and in one at Grand Valley by placing a small sum of money on deposit. He then allowed needy comrades to secure bacon or beans from the stores and charge the items to him. Scramage expected to secure several sections of land in the vicinity with the help of the committees. He also paid \$300 to Noah Lane as a deposit for land which joined Beaver City land on the South and promised to pay \$1000 more to complete the purchase. The land looked good at that time and many thought that it would be very valuable when the country boomed.

Charley Tracy was the manager of a feed barn and livery stable in Beaver City and a man named Bennett operated a grocery.

They decided to make some "easy money" by hiring a man to jump a Land claim, sell out, and then divide the money among the three of them. They hired a man named Thompson to set up a tent on the claim and the plot started.

In a few days, Oliver Nelson rode into town. He had a claim near Grand Valley and had come to Beaver City to visit friends. The day was stormy and a light snow covered the ground. He stopped at the Tracy barn where he planned to leave his horse. No one seemed to be in the barn while Nelson tied his horse but dirt fell down from the rafters so Nelson believed that some one was hiding in the room above. However, he told his horse that he would leave him there for a short time while he finished his business in town. There was no comment from the person above so Nelson strode from the barn.¹

Nelson walked across the street to where a friend named Miller lived and said, "Hello, Miller. What's the news?" Miller replied, "No news. Everyone is keeping still here." Nelson could not get him to talk further so left the house and walked down the street to a grocery-saloon and said to the proprietor, "Well, Jack, how's tricks?" Jack instantly replied, "Ol, there hain't no tricks. You'd better go slow around here and be careful." Nelson saw that he was having trouble in securing information so went back to the feed barn.

A man named Norton, an easy-going type, came out of the barn. Nelson greeted him and said, "Hello, Norton. Are you running this thing?" Norton asked, "Say, did you put that horse in there?" Nelson said that he did and wanted to know what was going on in town. Norton then asked him if he had not heard the news and Nelson replied that he had just come to town. Norton looked steadily at him and spoke, "Hell is liable to break loose

¹ This account is based on the memoirs of Oliver M. Nelson. He was born in Tippecanoe, Indiana, in 1862. He came to Barber County, Kansas, in 1879, and homesteaded a claim. In 1882, he reached Indian Territory and worked as a cook on a ranch until the spring of 1884. He homesteaded a claim near Grand Valley during the years 1887 through 1889. He took a claim in the Cherokee Strip in 1893 near Bison, Oklahoma. He spends the winters in the Rio Grande Valley where he owns a fruit farm.

here at any time. They have crippled Thompson and then shot him twenty-four times. They shot Bennett too. I have been in Dodge and Abilene but this is the cold-blooded murder that I ever saw." As he spoke a man named Addison Mundel came down the middle of the street with a Winchester rifle in his hand. Norton saw him and shouted, "There goes one of the murdering — now." Nelson warned Norton that Mundel would hear him but Norton retorted hotly, "I want him to hear me. He's afraid and he don't know how I'm fixed. He ought to be shot." Mundel paid no attention to the tirade and kept walking down the street without looking back. However, as Norton and Nelson talked, four other men with Winchesters walked to a point directly across the street from the barn.

In a few minutes a boy came along and the men pointed to the barn and back across the street. The boy started toward the barn, and Nelson ran inside and looked through a crack. He saw the boy near the door and shouted, "Norton, that boy is taking your key. Those fellows are going to shoot you." Norton sprang into action and seized the boy. He held the boy between himself and the four men, grabbed the key and managed to get inside the barn. The rifle men then moved down the street. Norton was now alarmed and asked Nelson if he had any place to stay that night. The latter said that he did not. Norton then said, "Then stay with me. How are you fixed?" Nelson said that he was not fixed very good, so Norton replied, "Well, I have plenty of guns. There won't be any danger if both of us stay here together." Nelson was not so sure of that, so he walked over to Miller's house to ask advice. Miller told him that some men in town were going to kill Norton during the night and that they were asking questions about Nelson. The latter said that he had just met Norton on the range and they were not close friends so he would not stay with him that night. Miller advised him to leave Norton before sundown.

Nelson thought that he would tell Norton of his decision, so he went back to the barn and told him, "Norton, I have to get

out of town right away, so I can't stay here tonight. You need to sober up and not be so sure because those fellows plan to kill you tonight." Norton just laughed and answered, "Oh, they're afraid. There is no danger."

Nelson returned to the Miller home and stayed there. At dawn, he suddenly awoke and ran to the west window. He saw Norton at the door of the barn with a shotgun in his hand. Nelson could not see any men with Winchesters on the street so decided that no battle had occurred.

He dressed and walked over to the barn to talk to Norton. He learned that Mundel and Thompson had been the leaders in the trouble. Nelson had known Mundel in Beaver City for several years and had seen him draw a gun on Thompson in 1887. The latter was a gambler who had irked Mundel in some way, so Mundel on a certain day pulled a gun quickly on Thompson and made him do a stomp dance on the sandy street while he held his hands in the air. The dance in Beaver City caused some excitement and merriment among the onlookers. During the comedy, a mule rolled into a fence and tore some wire loose from a corral near the scene, and the crowd of spectators rushed to free the mule. Mundel looked over his shoulder to see the commotion and lowered his gun. When he turned around, he was looking directly into Thompson's six shooter. Mundel was then forced to mount the well-curb several times and jump out on the board walk to please Thompson. Finally, Mundel was compelled to walk southward out of town with his hands in the air while the crowd howled in derision. Mundel swore to himself that he would get revenge on Thompson for the humiliation.

Mundel's chance came when Thompson set up his tent on the Land claim. Mundel was aided by other members of the vigilance committee such as Big Mack, Lee Harlow, Herb Wright, and L. N. Hodges who was postmaster. The five men walked to the claim and carried Winchesters for instant use. Thompson was boarding at Mrs. King's house which was half-sod and half-dug-out, and was located about one block from the street. Thompson

saw the group leave the town hotel, so he ran around the boarding house and called out to Mundel when the latter was about two hundred yards distant. Mundel stopped, and Thompson said, "Hi, Mundel. Where you goin', you —?"

Mundel did not reply but knelt, aimed his rifle, and fired at Thompson. The bullet fell short, so Thompson laughed and shouted, "Raise your sights, d- you." Mundel fired again, and again the bullet fell short. Thompson dared him to try again so Mundel shot a third time. The bullet hit Thompson in the left knee-cap and he fell to the ground.

The committee returned to the hotel and sent Dr. Og Chase down to investigate the condition of Thompson. In a few minutes, Chase returned and said that Thompson would be a permanent cripple. The vigilantes now turned to settle the case of Bennett, but walked first to the town saloon in order to bolster their courage with fiery whiskey.

In a short time, they went to Bennett's store. One member said, "Thompson says that you caused him to get into trouble. He wants to see you." Bennett was surprised but replied, "If I got him into trouble, I can get him out. I'll get my hat and coat." Hodges then stepped in front of him and said warningly, "If you don't want to die, go now." Bennett obeyed and proceeded out the door with his thumbs in the arm holes of his vest. The group walked down the snow covered street toward the King home. Hodges led the way into the house and was followed by Bennett, but the other vigilantes remained outside. Hodges turned to Bennett when they had reached an inner room, and said, "Don't you know you must die for jumping that claim?" As he spoke, he drew his revolver quickly and aimed at Bennett. The latter struck at the gun as it was fired. The bullet hit Bennett's right arm, plowed into his forehead, and he fell dead on the floor. The remaining vigilantes now entered the house and saw the crippled Thompson lying on a cot. Without delay, they started firing at him and did not stop until they had sent twenty-four bullets into his body.

After the second murder, the committee decided to kill Tracy. The latter had heard of the shootings and was planning to leave town at once. He ran from his home, harnessed two ponies, and began to hook them to a buggy. His wife had stepped into the vehicle, and Tracy was ready to do so when the vigilantes came into sight. They saw his plan, aimed their guns, and shouted to him, "Throw up your hands." They were about three hundred yards away, and Tracy jumped into the buggy, lashed the ponies into full speed, and fled out of town amidst a hail of bullets. He headed northward toward Meade Center, Kansas.

The vigilantes were disgusted with the turn of events, but Big Mack, who weighed about two hundred pounds, shouted, "Just wait! I'll catch him." He ran back to the main street of the town where he had tied his horse. Big Mack owned a small race horse which was fast but weighed only eight hundred pounds. He mounted the animal, which was unsaddled, and pursued the flying buggy. Several trails led through the sand hills north of Beaver City, but all roads were heavy and difficult to travel. Big Mack was able to keep up the chase for two miles, but his horse tired rapidly in the sand; so the pursuit was abandoned. The Tracys reached Meade Center safely, and he persuaded the town marshal to place him in the jail for a few days so he would be protected. He did not return to Beaver City.

On the day following the murders, the King boy drove out of town with two large boxes in a wagon drawn by two heavy bulls. Two vigilantes walked on each side with Winchesters in their hands while Mundel came in the rear. Nelson and Miller were on the street when the procession passed. They soon learned the reason for the procession, but Miller said that the vigilantes would not allow any one to aid in the burials. Nelson insisted upon offering his assistance, so Miller warned him, "You d- fool! It ain't your funeral. Do you think that you own this town?"

Nelson made no reply but walked rapidly down the street to catch the wagon. Mundel saw him when he was about fifty yards away, stopped, and shouted, "Come on down, you —. We'll

bury you on top of the box." Nelson answered, "Say, fellers, I just decided not to go down." He turned back and rejoined Miller.

Nelson learned later that the funeral was carried out and Rev. Mr. Overstreet preached the sermon based on the scripture that the wicked should meet a timely end. The vigilantes paid seventy-five dollars to him for his service while the escort and driver of the hearse received twenty-five dollars each. Mrs. King was given fifty dollars for the grave lot.

The town committee sold the Bennett store and the Tracy stable and divided the proceeds after giving money to Norton because Tracy had failed to pay him his wages for his work in the stable. Panhandle justice in 1887 had killed two men and forced another citizen to flee to another town to save his life. It must be said, however, that "claim jumping" around Beaver City was decidedly unpopular for several years after this event.²

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THE FOUNDING OF THE PHILOSOPHICAL SOCIETY OF TEXAS

By
Herbert P. Gambrell

One need not be a regular attendant on the annual meetings of historical bodies to appreciate the futility of a stranger's undertaking to lecture any group of historically-minded people on the history of their own region. My observation is that when a visitor tries to tell Texans about the history of Texas, he not infrequently gets his facts twisted, his interpretations wrong, and—unless he be a skillful broken-field runner—he manages to step squarely upon the toes of someone's grandfather. Profiting by vicarious experience, I admit without argument that I know nothing of Oklahoma history and I respectfully decline to demonstrate my ignorance. Discretion being the better part of valor, I aim to discuss a matter that few Texans and probably no Oklahomans know anything about. It may put you to sleep, but it will deprive you of the pleasure of catching me red-handed in error.

This is the simple story of a noble dream of some of the founders of the Republic of Texas. It was one of the many lights that failed. Its significance, if it has any, is to be found in speculation upon what might have happened *if* . . . The story relates to the founding of the Philosophical Society of Texas.

Its general setting is the infant Republic of Texas, with its 40,000 people and its huge area—of all present-day Texas, plus half of New Mexico, parts of Colorado and Wyoming, and Greer County. If we except San Antonio, which in 1837 and for many years afterwards was a center of Mexican, rather than Anglo-American, civilization, there were two centers of population: East Texas and the lower Brazos and Colorado river valleys. Brazoria, Columbia and San Felipe were typical of the river settlements; Nacogdoches and San Augustine of East Texas. At best these towns were frontier villages containing many "floaters." The typ-

ical Texian of the period was not a town-dweller; he was, perforce, a farmer. Roads were bad and communication difficult; isolation was a universal characteristic. There were no schools in the sense that we use the term, and in many communities religious services had never been held. The Republic of Texas was a frontier whose oddly-assorted and unassimilated population differed from that of other frontiers—in so far as it did differ—by reason of the large proportion of men who had been attracted by the abnormal political and military situation.

The Republic of Texas was not yet two years old when the Society was founded. Fifty-nine Texians, sitting in an unfinished gun-shop, had declared independence on March 2 of the preceding year, and a volunteer army had established it on April 21. During the summer of 1836 the first national election had been held, and on the first Monday in October the First Congress had assembled at Columbia. Three weeks later David G. Burnet, *ad interim* president, gave place to Sam Houston and Mirabeau B. Lamar, constitutional president and vice-president.

Accommodations for the government at Columbia were inadequate, and, on November 30, the Congress selected a new temporary capitol. Fifteen existing towns¹ and one projected town contended for the honor. On the fourth ballot, and by a narrow margin, the choice fell on a town that did not then exist—perhaps because it had no enemies. A proposal from the promoters,² “replete with the most cogent reasons for the selection of the town of Houston”³, won 21 of the 40 votes. President Houston grumbled privately, but officially he approved the bill. Anson Jones thought that it “constituted a perfect ‘selling out’ of Texas to a few individuals.”⁴

¹Orizimbo, Brazoria, San Patricio, Columbia, Bexar, Groce's Retreat or San Jacinto, Goliad, Fort Bend, Refugio, Hidalgo, Nacogdoches, Velasco, Quintana, Washington, Matagorda.

²One of them J. K. Allen, was a member of congress from Nacogdoches.

³Falvel, *Report of the Proceedings of the House of Representatives*, 1 *Tex. Cong.*, 1 Sess., 157, quoted in E. W. Winkler, “The Seat of Government of Texas,” *Quarterly of the Texas State Historical Association*, X, 168.

⁴Anson Jones, *Memoranda and Official Correspondence Relating to the Republic of Texas*, 18-19; Winkler, *op. cit.*, 166.

The new town, the promoters announced⁵ three months before the Congress declared it the capital:

Situated at the head of navigation on the west bank of Buffalo Bayou . . . must ever command the trade of the largest and richest portions of Texas . . . and when the rich lands of this country shall be settled a trade will flow to it, making it, beyond all doubt, the great commercial emporium of Texas.

They added, for the convenience of travelers:

Houston is distant 15 miles from the Brazos River, 30 miles a little north of east from San Felipe, 60 miles from Washington, 40 miles from Lake Creek, 30 miles southwest from New Kentucky and 15 miles by water and 8 miles by land above Harrisburg . . . Vessels from New York and New Orleans can sail without obstacle to this place, and steamboats of the largest class can run down to Galveston in eight or ten hours in all seasons of the year . . . There is no place in Texas more healthy.⁶

The promoters of the town were the Allen brothers, enterprising New Yorkers. They had reached Texas in 1832 and were counted as old settlers in 1837. Augustus C. Allen wrote the prospectus; J. K. Allen represented Nacogdoches in the First Congress of the Republic. Having failed to purchase the site of Harrisburg, they made virtue of necessity and discovered in the new site, eight miles away, superior advantages.

Augustus C. Allen mapped out on the crown of his stove-pipe hat (and later upon paper) streets, squares, etc., and then with a knife that he wore in his girdle, blazed out the pathway of Main street.⁷

The first lot was sold on January 19, 1837,⁸ a month and a half after Houston had been designated as the capital.

On April 16 the government, confident that "the offices intended for the reception of the several departments of govern-

⁵ In the *Telegraph and Texas Register*, August 30, 1836.

⁶ The prospectus is quoted in S. O. Young, *True Stories of Old Houston and Houstonians*.

⁷ John Henry Brown, *Indian Wars and Pioneers of Texas*, 357.

⁸ *Telegraph*, August 12, 1837; Winkler, *op. cit.*, 169.

ment, will soon be completed," boarded the steamer *Yellowstone* and arrived at the new capital eleven days later, after "groping (if a steamboat can grope) at the rapid rate of one or two miles per hour to the very *crown* of the 'head of navigation' on the Buffalo Bayou at the city of Houston."⁹ The buildings were, of course, not ready.

Let us look at the new capital through the eyes of Francis R. Lubbock, recently arrived from New Orleans. The Allens had induced him to locate at Houston and grow rich with the metropolis. Aboard the steamer *Laura*, he reached Harrisburg without difficulty; but, he says,

No boat had ever been above this place, and we were three days making the distance to Houston, only six miles by dirt road, but twelve by the bayou . . . We had to rig what were called Spanish windlasses on the shore to heave the logs and snags out of our way . . . Capitalist, dignified judge, military heroes, young merchant in fine clothes from the dressiest city in the United States, all lent a helping hand. It being necessary to lie by at night, in the evenings we had a good time dancing and frolicking with the settlers on the shore, who were delighted to see 'new-comers from the States.'

Just before reaching our destination a party of us, becoming weary of the steamer, took a yawl and concluded to hunt for the city. So little evidence could we see of a landing that we passed by the site and ran into White Oak Bayou, only realizing that we must have passed the city when we stuck in the brush. We then backed down the bayou, and by close observation discovered a road or street laid off from the water's edge. Upon landing we found stakes and footprints, indicating that we were in the town tract.

This was about the first of January, 1837, when I discovered Houston . . . the *Laura* being the first steamer that ever reached her landing. Wharves were not in Texas.

A few tents were located not far away; one large one was used as a saloon. Several small houses were in the course of

⁹ *Telegraph*, May 12, 1837; Lubbock, *Six Decades in Texas*, 50.

erection. Logs were being hauled in from the forest for a hotel . . .¹⁰

That was Houston at the beginning of the year 1837. Among the settlers, speculators and adventurers, representatives of many nationalities and men of the most diversified tastes, interests and pursuits . . . John K. Allen moved . . . with the ease and grace of a born leader and diplomat . . . a man of youthful appearance, slight build, dressed with the most scrupulous care, of cordial but confident air, wending his way from place to place about the town, ever ready to dilate on the rising glories of the 'great commercial emporium' and producing from the green bag which he always carried well filled with titles, papers, deeds to lots, which he would present to any actual settler on condition that he make the necessary improvements.¹¹

At the end of March, 1837, a tourist reached "Houston, more properly called the city of Houston [he added] as no place of a less denomination exists in all Texas," after wading through mud and water ankle deep from Harrisburg. The city consisted of a one-story frame, two hundred feet or more in length, which had just been raised, intended by the enterprising proprietors for stores and public offices; several rough log cabins, two of which were occupied by taverns; a few linen tents which were used for groceries [grog shops]; together with three or four shanties made of poles set in the ground, and covered and weather-boarded with rough splint shingles. All, however, was bustle and animation. —I might say that there was concentrated all the energy and enterprise of Texas; for there were but few improvements making in any other portion of the republic . . . Persons came pouring in until, in a short time, a floating population had collected of some four or five hundred people . . . which gave the city the appearance [but surely not the air!] of a Methodist campground . . .

Flour was selling at \$15 to \$30 a barrel; chickens at \$1 apiece; eggs at \$1 a dozen; butter could be had at fifty to seventy-five cents a pound; but excellent beef was available at from two to

¹⁰ Lubbock, 46, 48-49.

¹¹ *History of Texas . . . Houston and Galveston* (1892), 263.

four cents a pound. Cloth, worth \$5 or \$6 a yard in the United States, sold for \$15 or \$20, and \$5 boots brought \$18 in Houston.

The grocers, who were quite numerous, appeared to do the principal business in Houston . . . It appeared to be the business of the great mass of people, to collect around these centers of vice, and hold their drunken orgies, without seeming to know that the sabbath was made for more serious purposes, and the night for rest. Drinking was reduced to a system, and had its own laws and regulations . . . the Texians being entirely a military people, not only fought, but drank, in platoons. Gambling too, was carried on to such a disgusting extent at all times . . .

In a new country among a population of six or seven hundred persons, where but one-half were engaged in any regular business (and there was not more than this proportion in Houston, unless drinking and gambling may be considered such), riots of all kinds were to be expected . . .

I do not think I would be authorized to state that there were those in Houston, who made dueling an occupation; but I feel at liberty to say that there were some who seemed to think that there was no better way to employ their time than to lecture upon the principles of honor, to lay down the laws of the pistol, and to let no occasion pass to encourage others to fight.

After observing the deliberations of the Texian Congress, the tourist opined:

If there was anything like statesmanship or business faculties among the members of Congress at the session of which I speak, it surely escaped the observation of myself as well as all others . . . I have heard more expressions of regret from the really patriotic part of the community that there should be so little talent of any kind among the various officers of government, as well as in the country generally, than upon all other subjects of complaint put together.¹²

¹² *Houston and Galveston in the years 1837-1838* (Union National Bank, Houston, n.d.), *passim*. A reprint of two articles from the *Hesperian*, or *Western Magazine*, (Columbus, Ohio, 1838).

Our informant wrote anonymously and perhaps with prejudice. His comments upon the capital and upon the government are of interest chiefly because he reports personal observations.

With the crowd of visitors in the spring of 1837 came one G. L. Lyons, an actor from New Orleans seeking a new field for his thespians. He announced, on April 4, that, convinced that the Houstonians shared his belief that any community would be benefited by a well-conducted theater, he proposed to open here within a month "the first temple dedicated to the dramatic muse in Texas." He returned to the United States, engaged a company, and embarked for Texas. The vessel was wrecked en route, and all but two of the actors were drowned. Houston was not to have a "temple dedicated to the dramatic muse" until June, 1838.¹³

Protestant preachers were early on the ground. Z. N. Morrell, who described himself as a backwoods Baptist preacher from the cane-brakes of Tennessee, drove his eight-ox team one hundred and sixty miles from his home near the site of Kosse to Houston late in March, 1837, to lay in supplies for his family and neighbors. Late Saturday evening, after swimming his team across the bayou, he reached the "city of tents" where he found "plenty of 'John Barley Corn' and cigars" and some of the supplies he sought. The next morning, he says,

after changing the garb of the wagoner for one similar to that worn in the city, I went out in search of a place to preach. Upon inquiry I was informed that there never had been a sermon preached in the place. It was quite a novel thing then to hear preaching, and some, to enjoy the novelty, and some no doubt with the purest motives, went to work, and very soon seats were prepared in a cool shade on that beautiful spring morning. The sermon was preached to an attentive, intelligent audience.¹⁴

By May, Houston had three resident clergymen — all, apparently, practitioners of medicine as well. They, with three visiting

¹³ W. R. Hogan, "The Theater in the Republic of Texas", *Southwest Review*, XIX, 383.

¹⁴ Z. N. Morrell, *Flowers and Fruits in the Wilderness* (1886), 66.

ministers, organized the Ecclesiastical Committee of Vigilance for Texas, because they feared that "not only the Christian profession, but the office of the holy ministry, is extremely liable to be brought into great disrepute, and the name of Christ be evil spoken of." These gentlemen proposed to make the life of the renegade, or quack, clergyman a difficult one in Texas.

The *Telegraph* approved editorially of the purposes of the Ecclesiastical Committee of Vigilance, but protested that "the citizens of Texas, being mostly settlers from the United States and Canada, are neither heathens, infidels, renegades, anthropophagi, but simply what the Yankee term Americans, and what the Americans and Europeans term Yankees; similar in language, manners, and customs to the citizens of all the new states of the union, and, if differing in any respect, solely in this, that from the peculiar circumstances in which they have been placed, they embrace more of the enterprising and adventurous . . . We feel confident that no people of the present day are more characterized for a regard for all the social virtues."¹⁵

John J. Audubon, the naturalist, visited Houston on Monday, May 15, 1837. He recorded his impressions of the town in his journal:

Houses half-finished, and most of them without roofs, tents, and a liberty pole, with the capitol, were all exhibited to our view at once. We approached the President's mansion, however, wading through water above our ankles . . . we found ourselves ushered into . . . the antechamber . . . muddy and filthy, a large fire . . . a small table covered with papers and writing materials . . . camp-beds, trunks, and different materials were strewn about the room. We were at once presented to several members of the cabinet, some of whom bore the stamp of men of intellectual ability, simple, though bold, in their general appearance . . .

While waiting for the President we amused ourselves by walking to the capitol, which was yet without a roof, and the floors, benches, and tables of both houses of Congress were as

¹⁵ *Telegraph*, May 16, 1837.

well saturated with water as our clothes had been in the morning. Being invited by one of the great men of the place to enter a booth and take a drink of grog with him, we did so; but I was rather surprised that he offered his name, instead of cash to the bar-keeper.

We first caught sight of President Houston as he walked from one of the grog-shops, where he had been to prevent further sale of ardent spirits to the Indians.¹⁶

During the summer conditions were considerably improved, but the government was still inadequately housed when fall began. The Hon. Henry Smith, secretary of the treasury, complained on October 1, 1837, that he had been compelled to occupy a temporary shed, as entirely unfit for an office, as it was unsafe for the security of books and papers . . . Months have elapsed, and instead of being furnished with the anticipated office I am now deprived of the temporary shed.¹⁷

He begged, humbly, that the Congress allow his department to use a committee room. Not until October 25, 1837, was a sufficient quantity of chairs for the members of the House of Representatives ordered: a stove had been provided the previous day.¹⁸

Houston residents were complaining of "the muddy condition of the streets on the level, about the capitol, and the president's house"¹⁹ and rumors regarding the insalubrity of the capital were spreading throughout the Republic.

Persons recently from Houston state that the city represents rather a gloomy appearance and worse in prospect . . . much sickness, principally fevers . . . Every place was said to be crowded, and little or nothing to eat,

the Matagorda *Bulletin* recorded on October 25, 1837. Two years later a Houstonian recalled that during 1837

¹⁶ Quoted in S. W. Geiser, "Audubon in Texas", *Southwest Review*, XVI, 126-127.

¹⁷ Winkler, *op. cit.*, 186.

¹⁸ *Ibid.*

¹⁹ *Telegraph*, October 11, 1837.

instances have been known when three or four dead bodies have been picked up of a morning in the street, and that sickness and death visited almost every family. This [he concluded] was more owing to the exposed situation of the inhabitants than the unhealthiness of the climate.²⁰

Surely conditions had improved before December 5, 1837, when twenty-six gentlemen from various parts of the Republic met in the capitol to organize the Philosophical Society of Texas. Let us see. The Rev. Littleton Fowler recorded that he rode into Houston on "Sunday morning, November 19th, and preached in the afternoon to a very large assembly." This passage from the Methodist missionary's diary begins hopefully: the Houstonians were perhaps more saintly than they had been in March. But Mr. Fowler continues,

Here I find much vice, gambling, drunkenness, and profanity the commonest. The town is ten months old, and has 800 inhabitants, also many stores, and any number of *doggeries*.

November 21st. Today the Senate of the Texas Congress elected me Chaplain, to serve the rest of the session . . .

November 24th. Today I have been listening to the [impeachment] trial of S. Rhodes Fisher, Secretary of the Texas Navy, in the Senate Chamber . . . [William Fairfax] Gray and [David S.] Kaufman are the counsel for the prosecution. Ex-President Burnet and General Rusk for the defense. Gray opened the trial . . . He was followed by Burnet at some length and with much bitterness towards the Chief Executive; his speech disclosed a burning hatred for the President. Rusk spoke in a manly style, that was clear, forcible, and full of common sense . . .

November 25th. The trial of Mr. Fisher was continued today by Mr. John Wharton, in a most furious tirade against President Houston; it was the bitterest invective I ever heard uttered by man. He was followed by Mr. Kaufman . . . his whole speech was fair and well taken.

November 26th. I preached morning and night in the *capitol* . . .

²⁰ *Telegraph*, July 31, 1839.

November 27th. Steamboat arrived today with 103 passengers from the United States.²¹

Unfortunately, Mr. Fowler was taken ill the next day, and made no further entries in his diary until December 12. One wishes that we might have had his account of the organization of the Philosophical Society. The two diarists among the founders—Fowler and Gray—appear not to have recorded the meeting on the evening of December 5, 1837. We must depend, therefore, upon the prosaic account of it published in the *Telegraph and Texas Register* for January 13, 1838.

The Memorial adopted at this meeting is worth reading, not alone for its statement of the aims and purposes of the Society, but because it reflects, as no words of a modern could, the grandiose ideology of the period:

We the undersigned form ourselves into a society for the collection and diffusion of knowledge—subscribing fully to the opinion of Lord Chancellor Bacon, that “knowledge is power”; we need not here dilate on its importance. The field of our researches is as boundless in its extent and as various in its character as the subjects of knowledge are numberless and diversified. But our object more especially at the present time is to concentrate the efforts of the enlightened and patriotic citizens of Texas, of our distinguished military commanders and travelers—of our scholars and men of science, of our learned members of the different professions, in the collection and diffusion of correct information regarding the moral and social condition of our country; its finances, statistics and political and military history; its climate, soil and productions; the animals that roam over our broad prairies or swim in our noble streams; the customs, language and history of the aboriginal tribes that hunt or plunder on our borders; the natural curiosities of the country; our mines of untold wealth, and the thousand other topics of interest which our new and rising re-

²¹ Dora Fowler Arthur, “Jottings from the Old Journal of Littleton Fowler, Quarterly of the Texas State Historical Association, II, 77.

public unfolds to the philosopher, the scholar, and the man of the world.

Texas having fought the battles of liberty, and triumphantly achieved a separate political existence, now thrown upon her internal resources for the permanence of her institutions, moral and political, calls upon all persons to use all their efforts for the increase and diffusion of useful knowledge and sound information; to take measures that will be rightly appreciated abroad, and acquire promptly and fully sustain the high standing to which she is destined among the civilized nations of the world. She calls on her intelligent and patriotic citizens to furnish to the rising generation the means of instruction within our own borders, where our children—to whose charge after all the vestal flame of Texian liberty must be committed—may be indoctrinated in sound principles and imbibe with their education respect for their country's laws, love of her soil and veneration for her institutions. We have endeavored to respond to this call by the formation of this Society, with the hope that if not to us, to our sons and successors it may be given to make the star, the single star of the West, as resplendent for all the acts that adorn civilized life as it is now glorious in military renown. Texas has her captains, let her have her wise men.

* * *

Who were the "gentlemen from different parts of the republic" who met amid surroundings which were certainly not conducive to philosophical calm to organize this "society for the collection and diffusion of knowledge"? There were twenty-six²² of them:

MIRABEAU B. LAMAR, vice-president of the Republic,
ASHBE. SMITH, surgeon general of the army,
THOMAS J. RUSK, congressman from Nacogdoches,
WILLIAM H. WHARTON, senator from Brazoria,
JOSEPH ROWE, congressman from San Augustine; speaker
of the House of Representatives,

²² Although David G. Burnet and John Birdsall did not sign the constitution with the other twenty-four, they were among the officers elected on December 5.

ANGUS McNEILL,
AUGUSTUS C. ALLEN, founder of the city of Houston,
GEORGE W. BONELL, soldier and surveyor,
JOSEPH BAKER, chief justice of Bexar; a founder of the
Telegraph and Texas Register,
PATRICK C. JACK, congressman from Bexar,
W. FAIRFAX GRAY, clerk of the Supreme Court,
JOHN A. WHARTON, of the law firm of Wharton, Pease &
Harris, Brazoria,
DAVID S. KAUFMAN, lawyer, of Nacogdoches,
JAMES COLLINSWORTH, chief justice of the Supreme Court,
Brazoria,
ANSON JONES, congressman from Brazoria,
LITTLETON FOWLER, Methodist missionary,
A. C. HORTON, of Matagorda,
JOHN W. BUNTON, of Bastrop,
EDWARD T. BRANCH, congressman from Liberty,
HENRY SMITH, secretary of the treasury,
HUGH McLEOD, adjutant general of Texas,
THOMAS JEFFERSON CHAMBERS, major general of the reserves,
Texas Army,
SAM HOUSTON, president of the Republic,
R. A. IRION, secretary of state,
DAVID G. BURNET, former *ad interim* president of the
Republic,
JOHN BIRDSALL, of the law firm of Birdsall & Gazley,
Houston.

Like the founders of other institutions of the Republic of Texas—like the founders of the Republic itself—they were young men. Of twenty-two whose ages have been ascertained, only seven were more than thirty-five years of age. Henry Smith, the oldest, was fifty-three; Hugh McLeod, the youngest, was twenty-three. The average age was about thirty-five.²³

²³ McLeod, 23; Kaufman, 24; Branch, 26; John A. Wharton, 28; Bunton, 30; Irion, Collinsworth, and Allen, 31; Birdsall and Ashbel Smith, 32; Baker, 33; Fowler and Rusk, 34; William H. Wharton and Chambers, 35; Horton, 37; Jones and Lamar, 39; Houston, 44; Burnet, 48; Gray, 49; Henry Smith, 53. Ages unknown; Bonnell, McNeill, Rowe, Jack.

Few of them had been many years in Texas. Only six had arrived before 1832, the year in which began the chain of events which led to revolution.²⁴ Between 1832 and the date of the battle of San Jacinto eleven more—including several distinguished participants in that battle—came. Seven arrived after San Jacinto.²⁵

Although most of the founders were natives of southern states, a majority of the officers elected at the initial meeting were northerners. Five of the members were natives of Virginia; five of Tennessee; three, of New York; three, of Georgia. New Jersey, Maine, Pennsylvania, Massachusetts, South Carolina, Connecticut, and Kentucky furnished one man each. The birthplace of three I do not know.²⁶

The learned professions—law, medicine, and the clergy—were all represented, and in about the proportion that one might guess: fourteen lawyers,²⁷ four physicians, one clergyman.²⁸ Four of the founders may be classed as farmers;²⁹ two were primarily soldiers;³⁰ and only one was a man of business.³¹ Him they made treasurer!

As a group they represented a large portion of the political talent of the Republic of Texas. One of our Texas historians, after reading their names, exclaimed: "Why those men *were* the Republic of Texas!" There were, of course, other men of distinction

²⁴Burnet came in 1826; Henry Smith in 1827; Chambers and William H. Wharton in 1829; Baker and Bunton in 1831.

²⁵Allen, Houston, and Jack came in 1832; Irion, Jones, and John A. Wharton in 1833; Collinsworth in 1834; Branch, Horton, Lamar, and Rusk in 1835; Birdsall, Gray, and McLeod in 1836; Fowler, Kaufman, Rowe, and Ashbel Smith in 1837. Date of arrival of Bonnell and McNeil unascertained.

²⁶*Virginia*: Branch, Chambers, Gray, Houston, William H. Wharton; *Tennessee*: Bunton, Collinsworth, Fowler, Irion, John A. Wharton; *New York*: Allen, Birdsall, McLeod; *Georgia*: Horton, Jack, Lamar; *New Jersey*: Burnet; *Maine*: Baker; *Pennsylvania*: Kaufman; *Massachusetts*: Jones; *South Carolina*: Rusk; *Connecticut*: Ashbel Smith; *Kentucky*: Henry Smith; *Unknown*: Bonnell, McNeil, Rowe.

²⁷Baker, Birdsall, Branch, Burnet, Chambers, Collinsworth, Gray, Houston, Jack, Kaufman, Lamar, Rusk, John A. Wharton, William H. Wharton.

²⁸Irion, Jones, Rowe, and Ashbel Smith were the physicians; Fowler was the minister.

²⁹Bunton, Horton, McNeill, Henry Smith.

³⁰Bonnell, McLeod.

³¹Allen.

in Texas in 1837,³² but we can hardly imagine what the history of the Republic might have been without these twenty-six.

The head of every government of Texas from November, 1835, (when the provisional government was created) until February, 1846, (when the first governor was inaugurated) was a member of the Society,³³ as were two of the four vice-presidents³⁴ and the first three commanding officers of the Army.³⁵

Ten cabinet positions were occupied by the founders.³⁶ Collinsworth, Irion, Jones, and Ashbel Smith were secretaries of state; Rusk, Lamar, and John A. Wharton, secretaries of war; Henry Smith, secretary of the treasury; Collinsworth and Birdsall,³⁷ attorneys-general.

Five of them—Collinsworth, Jones, William H. Wharton, Ashbel Smith, and Kaufman—served the Republic abroad as diplomatists. Collinsworth, Birdsall, and Rusk were successive chief justices of the Supreme Court of the Republic. Burnet and Chambers had been judicial officers of the State of Coahuila and Texas; Baker and Jack were to be district judges of the Republic, and Jack and Gray district attorneys.

Five (including one president *pro tem*)³⁸ sat in the Senate: Collinsworth, Irion, Kaufman, Jones, William H. Wharton. Eleven (including two speakers)³⁹ were members of the House of Representatives: Baker, Branch, Bunton, Horton, Houston, Jack,

³² It would be interesting for someone to compile a list of such men and to speculate on the reasons for their non-membership. One doubts if many were excluded on the ground of political incompatibility. The bitterest political feuds of the Republic of Texas were among members of the Society. Fowler noted that ten days before the organization meeting Burnet and John A. Wharton were denouncing Houston with great bitterness. The Lamar-Houston, the Burnet-Houston, the Jones-Houston controversies are among the more significant ones.

³³ Henry Smith, provisional governor, 1835; Burnet, *ad interim* president, 1836; Houston, president, 1836-1838, 1841-1844; Lamar, president, 1841-1844; Jones, president 1844-1846.

³⁴ Lamar and Burnet.

³⁵ Houston, Rusk, Lamar.

³⁶ Oddly enough, the only presidential administration during which no member of the Society served in the cabinet was that of Mirabeau B. Lamer, president of the Society.

³⁷ Birdsall was appointed on December 5, 1837, the day the Society was founded.

³⁸ Jones.

³⁹ Rowe and Kaufman.

Kaufman, Jones, Rowe, Rusk, and John A. Wharton. Colonel Gray was successively clerk of the House, secretary of the Senate, and clerk of the Supreme Court.

In 1845, Thomas J. Rusk presided over the convention that ratified annexation and drafted the constitution of the State. The next year Anson Jones gave way to Governor Henderson and his lieutenant governor, Albert C. Horton, a founder of the Society. The legislature sent Rusk and Houston to the Senate of the United States. The eastern district of Texas was represented in the House of Representatives by David S. Kaufman as long as he lived. Two of the founders, McLeod and Ashbel Smith, lived to become colonels in the Confederate army. Smith was a founder of the State Medical Association and is sometimes called the father of the University of Texas.

But statistical essays, as President Hoover demonstrated, have a tendency to tire the American mind. Without delving further into the record, may we not conclude that the founders of the Philosophical Society of Texas did their share toward laying the foundations of the Texas that we know, and that they left their marks on the institutions of the State? One wonders if any other twenty-six Texians of 1837 could have done more than they did. Certainly any small group that included the successive heads of government during a twelve-year period, ten cabinet officers, five diplomatists, five senators, eleven congressmen, as well as the first three chief justices and the first three commanding generals, was no ordinary company.

In his old age, Governor Francis R. Lubbock recalled twenty-seven of the great men of early Texas whom he met when the first session of the First Congress assembled at Columbia in October, 1836. Eleven of them were among the twenty-six founders of the Philosophical Society of Texas.

A portfolio of twelve "Immortal Texans" was compiled in connection with the celebration of the Centennial. It does not appear how the individuals were chosen, but it is interesting to note that of the dozen, six had died before December 5, 1837;

one was then absent abroad on public business; the other five were founders of the Society.

But this is enough.

The only moral one can draw from this presentation is that you in Oklahoma have undertaken to do for your State much of the work which the philosophical Society proposed to do for Texas, and you have been wise enough to start the work, as they did, before the pioneers who made the early Anglo-American history of the region had passed from the scene. The Texian dream envisioned by the founders of the Society was not fulfilled. Not until 1897, sixty-one years after San Jacinto, did the Texas State Historical Association come into existence—a volunteer, unofficial body which, despite serious limitations, had done a noble and important work. It is my privilege to bring you greetings from that organization and to wish you godspeed in your work.⁴⁰

⁴⁰ Dr. Herbert P. Gambrell is Vice-President of the Texas State Historical Association and Professor of History at Southern Methodist University. He delivered this address at the annual meeting of the Oklahoma Historical Society at Tahlequah, May 5, 1938.

NUNIH WAIYA

By Anna Lewis

The oldest law-making body that ever assembled in Oklahoma met at Nunih Waiya, near the present site of Tuskahoma in Pushmataha county, in 1834. This was the name the Choctaws gave to the capital, which was the meeting place of their general council. The site was selected because it resembled the old Nunih Waiya in Mississippi. It was a low sloping hill with a ravine on one side making a bluff, along the north side. The name Nunih Waiya was selected in commemoration of the most sacred mound in the old home. The tradition, the legends, and the early history of the Choctaws are centered around Nunih Waiya.

Nunih Waiya is a type of mound found exclusively in the Gulf states. The chronicler of De Soto's expeditions, the first Spanish expeditions in the southern states, speaks of these mounds and gives a very interesting explanation of how they are made. He says that they were to be found in the center of all Choctaw villages and that the top of the mound was used for the home of the chief and his attendants, while the common people lived around the base.

These early Spanish also speak of the southern Indians as sun worshippers. The reverence which the Choctaws held for Nunih Waiya no doubt comes from centuries of tradition when it functioned as a great tribal center for sun worship. The early Choctaws regarded the sun as the Father of Life and instinctively they turned to the earth as the Mother of Creation, and as time went on, Nunih Waiya was being regarded as the mother of their race. When removal was being discussed, the primitive Choctaws declared that they could not go west as long as Nunih Waiya stood.

The following is one of their legends concerning Nunih Waiya:

"The earth was a vast plain, destitute of hills or mountains. While the earth was in this condition the Great Spirit came down

to earth and alighted near the center of the Choctaws' country and threw up a hill or mountain, calling it Nunih Waiya. When this was done, he caused the red man to come out by stomping on the ground. When the signal was given some appeared only partly formed, others with their heads above the water, struggling for life. Some were perfectly formed. Thus were the Choctaws created. The Great Spirit told them that they should live forever. They did not understand what He had said, so they asked him to repeat it. This seemed to anger Him and He took away the grant and told them that they were to become subject to death.

"After the formation of man from the ground, the hills were formed, the earth hardened and it was made fit for the habitation of man."

Another tradition of their origin is that a long time ago, their ancestors dwelt in a country far distant toward the setting sun. Then a time came when they had to find a new country. A general council was held and after many days of grave deliberation, a day was chosen when they should all bid farewell to their old homes and under the leadership of the two brothers, Chahtah and Chikasih, seek a new country. The evening before they were ready to leave a "Fabussa" pole was set up in the middle of the encampment by the chief medicine man and prophet. He told them that this pole would be their guide.

The next morning the pole leaned toward the rising sun and this was the direction they went. Each night the pole was set up and each morning it turned toward the east. Weeks and months passed and they continued east, and to their astonishment they came to a great river. They had never seen or heard of so great a stream. Where it came from or where it went, they did not know. So they named it Misha Sipokni, which in their language meant Beyond Age, whose source and terminus are unknown.

After some difficulty they crossed the river because the pole indicated that they must go farther east. After weeks more of traveling the pole one morning stood upright. "Fohah hupis hno

yah"—"rest all of us here"; and this sacred mound Nunih Waiya came into being.

Chahtah and Chikasih agreed to part. The pole again was to decide, and it was placed between the two brothers; it fell toward Chikasih and he and his followers went north as the pole indicated.

Another version of the tradition is that since there were so many of them in the migration that they went in groups in order to find food as they marched. When the Choctaws reached Nunih Waiya, the party under Chikasih had already crossed over a creek. That night a terrible rain came and a messenger could not overtake Chikasih and his party to tell them that the pole was standing erect at the base of a hill, Nunih Waiya, so that was the way the two tribes came into existence.

Soon after they selected Nunih Waiya as their final resting place, the Great Spirit divided the Choctaws into *iksa* or clans, and gave them their marriage law, "which they must keep and that one always marries into the opposite clan and the children all belong to the mother's clan."

Another version of the legend of migration gives the following story:

After they had marched many weary miles and had consumed in all probability years, many of the people were dead. The bones of the dead were carried along, as this was a part of their burial custom. The Choctaws halted on the bank of a little river so their scouts could be sent to explore the region of the country around, and so the aged and feeble and those over-burdened might have time to catch up and rest. Many of the families were loaded with the bones of their dead. These could not be left behind. Some had almost more bones than they could pack but could not be parted from them.

It took several days before all the migrants had reached the encampment; some slowed down with a double load of bones on their backs. They moaned, "Oh when will this journey end? To

pack the bones further will kill us and we shall have no name amongst the iksas of this great nation."

Winter was coming on so the leaders decided to rest here a while. The land was beautiful and there was much rejoicing. The chiefs gave instructions for the land to be prepared to plant what seed corn they had and it was found that there were only a few ears. These had been preserved by the old people who had no teeth, so the soil was prepared.

One end of the encampment was a mound with a hole in one side. As it leaned toward the creek the people called it leaning hill—Nunih Waiya. They passed the winter at Nunih Waiya and they planted their crops and gathered them. Now it was time to go on.

A great council was met to discuss the question of what to do with the bones of their dead. The leaders knew that some of them could not carry the bones farther, neither would they be willing to leave them behind. So it was decided to make Nunih Waiya their home and to bury the bones of the dead nearby. After this was done a feast was made and they could sing:

"Behold the wonderful work of our hands and let us be glad. Look upon the great mound; its top is above the trees and its black shadow lies on the ground. It is surmounted by the golden emblem of the sun, its glitter dazzles the eyes of the multitude. It inhumes the bones of fathers and relatives. They died on our sojourn in the wilderness. They died in a far off wild country. They rest at Nunih Waiya. Our journey lasted many winters; it ends at Nunih Waiya."¹ This legend is an interesting and very plausible explanation of the mound.

The only council held in modern times at Nunih Waiya in Mississippi was the one Greenwood Le Flore called in 1828. The object of the council was to make new laws to replace some of the old ones. At this council several laws were enacted against drunk-

¹ Gideon Lincecum, "Choctaw Traditions about Their Settlement in Mississippi and the Origin of Their Mounds," *Publications of the Mississippi Historical Society* (Oxford, 1898—), VIII (1904), 532.

eness and against the practice of executing women representing themselves as witches.²

Cushman tells the story of George S. Gaines, who was riding along near Nunih Waiya one day, and to satisfy his curiosity turned and rode to its base. Then he dismounted and walked up to its top. While there he noticed a band of Choctaws passing and being desirous of their company, he soon overtook them. Pushmataha was one of the company and greeted Mr. Gaines with, "Well, friend Gaines, I see you have been up to pay your compliments to our good Mother."

"Yes, I concluded to pay her a visit as I was passing," replied Mr. Gaines.

"Well, what did she say to you?" asked the Choctaw Chief.

"She said," replied Mr. Gaines, "That her Choctaw children had become too numerous to longer be prosperous, contented, and happy in their present country, and she thought it best for them to exchange their old country and lands for a new country and lands west of the Mississippi river, where game is much more abundant, and the hunting grounds far more extensive."

With a loud laugh in which all the Choctaws joined, Pushmataha exclaimed: "Holobih: holubit ish nohowa nih." ("It's a lie: Our good Mother never could have spoken such words to you.")

This then was a sacred spot with a sacred name so in order to hold to a part of their traditions and their past history, these newly migrated Choctaws named their common meeting place Nunih Waiya.

Under the old tribal form of government, which had existed from the later part of the eighteenth century, the Choctaws had been divided into three districts; each of these divisions had its own chief. There was, however, a general meeting to discuss matters of common interest.

² H. S. Halbert, "Nunih Waiya, the Sacred Mound of the Choctaws," *Publications of the Mississippi Historical Society* (Oxford, 1898—), II (1899), 233.

Soon after the removal bill had passed Congress in 1830, when it was inevitable that the Choctaws would be moved west, two district chiefs, Mosholatubbee and Nitakechi addressed a communication to the secretary of war in which they stated that they agreed among themselves on the location of each of the three districts in the new territory west of the Mississippi.

The Six Towns people under their district chief, Nitakechi, were to be located west of the Kiamichi. The Upper Towns people were to be given the district east of the Kiamichi. While the Lower Towns people were to be settled along the Arkansas. These were the three original districts of the Choctaw Nation and each district had a chief and central meeting place which was a district council house or district capitol. These original districts were named in honor of the three greatest Choctaw chiefs, Pushmataha, Moshulatubbee, and Pukshunnubbee; all three had rendered important services to their people during these trying times.

By 1834 the Choctaw Nation was established in the new country and a committee was appointed to select a site for the erection of a general council house. This committee was composed of delegates from each of the three districts. The location chosen was in the central part of Pushmataha District, which is now about two miles and a half southwest of the present town of Tuskahoma. This was the first capitol located in Oklahoma, and the first laws made by Oklahomans were made here.

By the treaty of Dancing Rabbit Creek the government agreed to erect a general council house for the nation. The building was erected in 1838. It was made of hand hewn pine logs with a chimney at each end. It was just one large room for in 1838 the Choctaw law-making body, or the general council, was a unicameral body, and only one room was necessary. The general council under the constitution of 1834 was made up of twenty-seven members elected from the three districts. The three district chiefs were *ex-officio* members and any two could veto legislation enacted, unless it was passed by a two-thirds majority of the legislature.

This one room log house, painted white with green window shutters, was the center of the Choctaw government during a most critical period of their history—that period when they were pioneering in a republican form of government with a written constitution, and pioneering in a new country and in a new civilization.

In 1842 their constitution was changed and a bicameral legislative body was provided for. So the capitol was enlarged to accommodate the change in the law-making body. A new building was erected for the lower house. This stood only a short distance from the old building which was used now to house the Senate.

The site of this oldest capitol is one which should be marked because of the history it represents. All that remain today are piles of rock where the chimneys were, and the old burying ground around the capitol grounds.

In 1850 the capitol was moved from Nunih Waiya and the buildings were sold to Captain John Anderson. His grave stone carries the date of 1878. There are other graves of various members of his family and the early families of this neighborhood. All are in a bad state of decay as most all Indian burying grounds are today. Many of the graves have been vandalized and desecrated. All that remains of the old building today is a smoke house, made of the original logs, not on the location of old Nunih Waiya but about half a mile north of Tuskahoma on Edwin Calvin's farm. He is a Choctaw and he has saved the logs which otherwise would have been lost. They are now well preserved and are put together as the old council house was without nails. So stands a part of the oldest law-making house in Oklahoma. So also stands a part of the past of the Choctaws, events that center about the legend of Nunih Waiya.³

³ Dr. Anna Lewis is Professor of History at the Oklahoma College for Women, Chickasha.



B. F. OVERTON
Governor of the Chickasaw Nation

GOVERNOR BENJAMIN FRANKLIN OVERTON AND GOVERNOR BENJAMIN CROOKS BURNEY

By
John Bartlett Meserve

The Progressive party among the Chickasaws, of which Governor Cyrus Harris was the guiding spirit, was boldly challenged in the fall of 1874, by B. F. Overton. Under this intrepid leader, the full blood Indians who were then in the majority, were regimented into what became known as the Pullback party. Overton and Harris who were the militant leaders of these two opposing political parties, were quite the antithesis of each other in their qualities of leadership. Overton was bold, stubborn and aggressive—there was no *laissez faire* about his policies; Harris, mild and reserved although none the less adroit and diplomatic; both were astute politicians.

The Chickasaws developed an absorbing interest in tribal politics during those early days. Each political party had a most thorough and complete organization; each with its platform, its county managers, and its general chairman. Public meetings were held, barbecue picnics were given and speakers provided to talk and vilify the opposing party and its candidates. No scheme was omitted to secure the necessary votes by the respective parties. The voter's bearing was studied from every angle; they knew his church, his neighbors, his kin, his boon companions; they measured up his personal pride, his present need, his ambition and brought all of this to bear. Inasmuch as the legislature canvassed the gubernatorial returns, attention was given to a partisan selection of its members. No written or printed ballots were used, no secret expression was possible, the elector's preference being expressed *viva voce*. The Chickasaws were among the most advanced of the Indian tribes and their administration of self-government had been highly successful and this because of

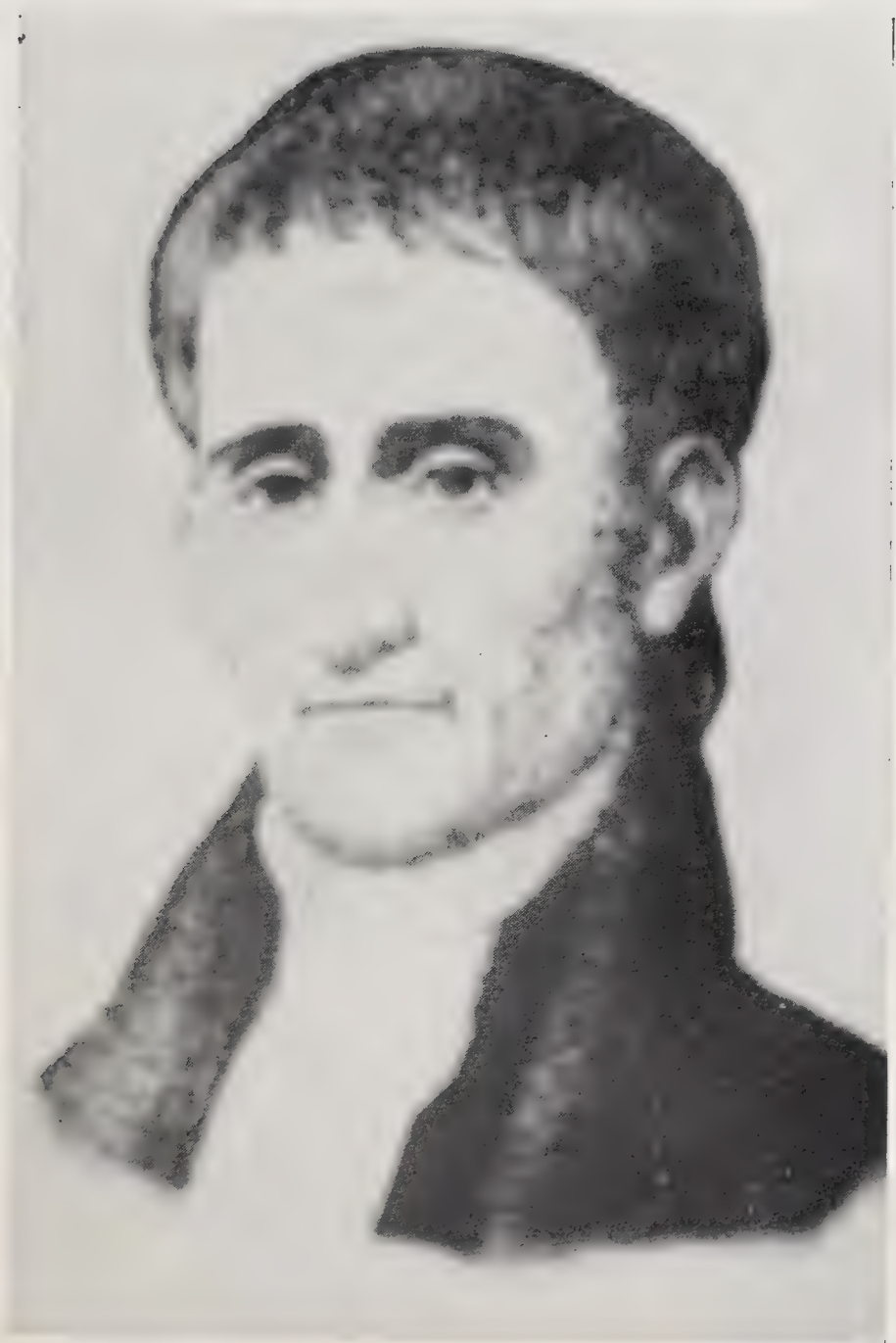
their personal interest. At election time, the Chickasaw Nation was, to them, an entire world in itself, on this earth.

¹The Overton family has been one of much prominence in Tennessee from an early date. The initial member of the family in that state was John Overton, a native of Virginia who came to Kentucky after the close of the Revolution, where he practiced law for a brief period. He soon removed to Tennessee reaching Nashville in the same month that noted the arrival of Andrew Jackson from North Carolina. He became a close friend, admirer and business associate of Jackson. In 1794, John Overton purchased a tract of 5000 acres at Chickasaw Bluffs on the Mississippi for \$500 and subsequently conveyed a one-half interest to General Jackson who later disposed of his interest. He succeeded Jackson upon the Supreme Court bench of Tennessee in 1804 and in 1819 founded the city of Memphis. In 1823, he concluded a final treaty with the Chickasaws whereby they relinquished their last holdings in Tennessee. The fact that a county in Tennessee is named after the family evidences the prominence of the family in that state.²

Another member of the family who also bore the name of John Overton and who was probably a son of the founder of Memphis, was born in the early part of the last century, near Nashville. He was a lumberman and later as a young man, drifted down to Mississippi where he married Tennessee Allen, a one-fourth blood Chickasaw Indian woman who was a daughter of John Allen and Elizabeth Love, his wife. In the early forties of the last century this John Overton with his family removed to the old Indian Territory where he settled upon a farm near what is today the town of Colbert, in Bryan County, Oklahoma. He remained but a short time, when he abandoned his adventure among the Chickasaws and returned to the scenes of his early life in Tennessee and never again contacted his family in the West. Benjamin Franklin Overton, a son of John Overton

¹Garrett and Goodpasture, *History of Tennessee*, p. 172.

²Hon. Watkins Overton is at present (1938) the mayor of Memphis. Another prominent member of the family was the late Gov. Overton of Louisiana who also represented that state in the United States Senate.



JOHN OVERTON
The Founder of Memphis, Tennessee

and Tennessee Allen, his wife, was born in Mississippi on November 2, 1836, being a mere child when his parents removed to the West. The disappearance of his father, to be followed soon thereafter by the death of his mother left the homeless lad to be reared and cared for in the homes of his uncles Isaac and Robert Love.³

No high school or college education reenforced the native ability of Benjamin F. Overton. Left an orphan early in life, he was nurtured in the soil of experience, his educational advantages being limited to an attendance of six months at the old Chickasaw Male Academy at Tishomingo. When a young man, he established himself upon a farm on the Red River near the town of Willis in Pickens County and in what is today, Marshall County, Oklahoma. This constituted his residence for the remainder of his life and the comfortable farm house, erected by him is still standing.

Benjamin F. Overton early evidenced an interest in the political affairs of the Chickasaw Nation and served in both the house and senate of the legislature. He functioned as a delegate from the tribe to Washington upon numerous occasions. In the fall of 1874, he became the candidate of the Pullback party for the governorship and opposed Gov. Cyrus Harris who was running for re-election upon the Progressive ticket. Overton had behind him the support of the full bloods and non-progressives. Among the latter class, was the influence of some of the white citizens who were engaged extensively in the cattle business and who looked with much disfavor upon the possible allotment of tribal lands, because such action would destroy the open cattle range. Harris drew to his support the influence of the progressive whites, both intermarried and adopted, the mixed bloods and such of the full bloods as were able to appraise the onward trend of their tribal status. Overton was elected and again was elected in the fall of 1876. During the first two terms of Governor

³ The writer is indebted to Mrs. W. J. Shelton of Oakland, Okla. and to Mrs. Frankie O. Love of Denison, Texas, both daughters of Gov. Overton, for much valuable information.

Overton, the cattle business was the overshadowing industry. Over the Texas and the famous Chisholm trails, vast herds of Texas long-horns were driven through the Chickasaw country to shipping points in Kansas. Convenience was made of the open range in the Chickasaw Nation by the stockmen en route, for the pasturage of their herds. The Chickasaw legislature required a permit for this privilege and a tax was exacted, but much difficulty was experienced in its collection. Through the influence of the aggressive governor, a tribal militia was formed in 1876 and by the use of this executive force, the revenue was promptly collected and the lawlessness occasioned by the herders was mitigated.

Trouble between the Federal Government and the Sioux Indians in the Northwest broke in the summer of 1876. The massacre of General Custer and his entire command was accomplished by these Indians led by Chief Sitting Bull. Governor Overton, in his second inaugural message to the Chickasaw legislature on September 5, 1876, urges forth sentiment for uniting all of the various Indian tribes as a necessary step toward the preservation of the American Indian. Tribal unity was a venture most worthy of consideration. The governor comments upon the status of the Sioux Indians and expresses his deep sympathy with them.

“The Sioux Indians, the largest tribe—being one-sixth of the present estimate of the Indian population—are now engaged in a bloody war with the United States, not as a matter of choice on their part, but in defense of their tribal and individual rights. Their country has been invaded by the whites for the purpose of conquest and plunder, and they like other races are acting the first laws of nature in the preservation of their lives and the maintenance of their property rights and corporate capacities, by taking up arms against their destroyers. And for this spirit of resentment, the Federal Government has sent her armies into their country for the purpose of making them submit to as open and high-handed a robbery as was ever committed upon a weak and defenseless people.

“Fellow countrymen, in the name and behalf of our persecuted brothers of the Black Hills, I appeal to you this day to raise your voice of protestation against the prosecution of such an unjust, unholy and unChristian warfare upon our race. God forbid that you, the representatives of our own common Indian interests should be unmindful of this great and impor-

tant crisis. Your political and material interests as Chickasaws is hinged upon the termination of the Sioux question. We have no better rights to territory than they and are no better able to defend them although we have bought and paid for our country. * * * and we have but one or two things to consider; either make a shameful and disgraceful surrender of our national pride, together with all rights, privileges and immunities acquired by us or perish like brutes in a war of extermination. This is no fanciful or imaginary working of the brain.”⁴

The governor was very dolorous over the situation but the ensuing years have displayed the utter fallacy of his fears. He gravely magnified the situation in its application to the Chickasaws and confused them with the savage tribes in the Northwest. He concludes this message in an appeal, in emotional language, to the moral teaching of the Chickasaw youth.

“Let them be taught those principles calculated to elevate them in social standing and enable them to reach a higher place in politics. Then we can safely give to them the government which we have inherited from our fathers and which of necessity must be theirs, when one by one we shall have been called to render account of the deeds, official as well as private which have marked our course on earth. Let me express the hope, gentlemen, that when that great day comes to each and all of us we may be able to exhibit a pure record and an unblemished official life and that none of us may be missing from that Eternal Home which is not by treaty, nor subject to the cupidity of man, but a gracious gift from the Great Father of Nations to such of His children as have done His will according to the lights before them.”

Governor Benjamin F. Overton held a deep and abiding interest in the social, spiritual, and political welfare of his people. Even though he was unremitting in his loyalty to the Chickasaws and, at times, somewhat primitive in his ideas, he was not unfriendly or hostile toward the white members of the tribe. This is evidenced by his approval, in 1876, of an act of the legislature enfranchising these citizens and conferring upon them full rights of tribal membership. This act although repealed in 1887 was ultimately to provoke the retirement of the old Pullback party from Chickasaw Nation politics. Although lacking in the rudi-

⁴ *Oklahoma Star*, September 28, 1876.

ments of scholastic training, he was interested in all matters of education and on October 9, 1876, approved the establishment of the Chickasaw neighborhood schools and the extended improvement of the boarding schools.

The tenure of Governor Overton drew to a close in the fall of 1878 and he yielded the governorship to Benjamin C. Burney, who had served as his national treasurer. We pause to meet Governor Burney.

It was not until the winter of 1844 that David C. Burney and Lucy James, his wife, Chickasaw Indians and natives of Mississippi, accompanied by their family and some eighteen negro slaves, undertook the removal from the Chickasaw country in Northern Mississippi to the old Indian Territory. The approach to the West was made by steamboat up the Red River. The boat bearing the emigres paused at Shreveport, Louisiana, where a son was born to the Burneys on January 15, 1844. This son was Benjamin Crooks Burney, named after Capt. Benjamin Crooks, the ship's genial captain. The Burneys settled at what is today, Burneyville, Love County, Oklahoma, where the father engaged in farming. The mother passed away in 1845 and the father died shortly after the Civil War.

Benjamin C. Burney was modestly educated at the Chickasaw Orphans School at Tishomingo and when the Civil War came, enlisted as a private in Shocoe's Chickasaw Battalion of Mounted Volunteers for service in the Confederate Army. After the war, he returned to the home of his father at Burneyville. He later became a farmer and stockraiser and established himself upon a comfortable farm near Aylesworth in what is today Marshall County, Oklahoma. Early in life he evidenced an interest in the political affairs of the Chickasaw Nation and served as National Treasurer from 1876 to 1878. He entered the race for the governorship of the Chickasaws in the fall of 1878.

Governor B. F. Overton concluded his second term as governor of the Chickasaws in the fall of 1878 and, because of constitutional inhibitions, was ineligible to a third consecutive term. In



BEN BURNEY
Governor of the Chickasaw Nation

his two campaigns for election he had been opposed by former Governor Cyrus Harris who again became the candidate of the Progressive party to succeed Governor Overton. The Pullback party nominated Benjamin C. Burney, whose candidacy was sponsored by Governor Overton, his brother-in-law. The campaign was quite exciting and much bad feeling was engendered and the issue became one of preference between Overton and Harris with the candidacy of Burney very much in the background. It developed into a contest between the two outstanding leaders for the preservation of personal prestige and in the final count, Overton won through the election of Burney. The candidacy of Burney was manifestly a convenience to enable Overton to resume the executive functions of the Chickasaw government, later.

The result of the election held in August, 1878, appeared doubtful although, on the face of the returns, Harris seemed to have won, but a canvass of the returns by the legislature, after a stormy session over which Governor Overton presided, resulted in the election of Burney. Some bitterness lingered after the declaration by the legislature but all potential trouble was averted by the prompt acquiescence of Governor Harris, in the result.

The one term of Governor Burney was uneventful. With his induction into office, affairs shifted into neutral and coasted along abiding the time when the aggressive Overton might again take over the reins of Government. The new governor addressed the legislature upon the Leased Land question which remained a problem in the political affairs of the Choctaw and Chickasaw Nations for so many years. Allied closely with this question was the status of the negro among the Chickasaws. The governor evidenced a strong interest in the improvement of the public schools and in his message to the legislature on September 1, 1879, concludes his counsel in thoughtful language.

“Education is the lever by which our people are to be raised to a mental level with our surroundings and I desire to impress seriously upon you how important it is that you use your influence in getting our people to see to the education of the young.”

In the same message, speaking as it were, over the heads of the members of the legislature and addressing his people as a whole, he admonishes,

“But while we have been the recipients of so many blessings we have not been grateful. Our young men (many of them at least) forgetful of the grave and responsible duties of life, have given themselves over to dissipation and strife to a degree rarely, if ever witnessed before. Chickasaws, this should not be and must not continue. Remember that we are a small and feeble race of people, to whom God until recently has denied the lights which for so long a time have illuminated the minds of other races. And now that He has at last granted to us the blessings of civilization and Christianity, let us not reject them nor drive Him from us by ingratitude and rebellion.”⁵

These words came from the heart of a Christian gentleman and such was Governor Burney.⁶

⁵ *Cherokee Advocate*, September 24, 1879.

⁶ Rev. J. H. Dickerson of Wynnewood, Oklahoma, under date of February 2, 1938 writes:—“When I came a missionary to the Choctaw and Chickasaw Indians in Oct., 1882, under commission from the Cumberland Presbyterian Church, without salary, the first donation I received for my support was a bale of cotton from Ben C. Burney. I hauled the cotton to Denison, Texas and sold it. There was a small congregation on his farm in which he was a ruling elder. When I came and some time after, he was out of Christian duty and service. He came back to the work of the church with full penitence and consecration. From then to his death he lived a most careful and devoted Christian life. To illustrate his conscientiousness I give the following. When I came to the work he had just built a large two story residence, his former home having burned. After I had stopped with the family many times and was given a bed up stairs, he said to me one day, ‘Brother Dickerson, have you noticed that one room up there has not been finished?’ ‘Yes, I have seen it,’ I said. ‘When I started to build this house,’ he said, ‘I promised the Lord that when it was finished I would begin to hold family worship and pray in my home. I could not get up the courage to pray out loud so the house was never finished.’ He afterwards took up the habit of family worship, also leading in public prayer. How he came to begin leading in public prayer was on this wise. I was holding a revival meeting on his farm at the little school house. Just before the preaching hour one evening, I asked the Christians to go separately into the woods, get upon their knees and promise the Lord that they would do just what the Holy Spirit seemed to point out. When they came back and I had preached and called for penitents, Bro. Burney arose and said, ‘When you sent us out I knew what I would have to promise the Lord, that I would lead in prayer—let us pray.’ Down on our knees we went and Bro. Burney would pray awhile and cry awhile. There was great rejoicing in that little congregation for everybody loved Burney. Ever after he graciously led in prayer. He would take his Bible and visit the tenants on his farm, read, talk and pray with them. I think he said less about those who injured him than any man I ever associated with. He

Came the biennial election in the fall of 1880 and Governor Burney not being a candidate for re-election, conveniently retired and was succeeded by Governor Overton. In dignified language addressed to the legislature, he yielded his executive powers to his successor, whom he held in high regard.

“The never ceasing flight of time has brought my administration to a close and I am here today to surrender up to you the office powers which you conferred upon me two years ago. The honorable gentleman whom you will inaugurate today as governor, laid down for a time the insignia of power and retired to the quiet and pleasures of private life and I was installed into the responsible duties of the office. I had his cordial support and co-operation then as he has my cordial support and co-operation now; and I congratulate him and you that he has been spared to take charge again of the destinies of our little Nation.”⁷

Governor Burney yielded any aspirations he may have had for a re-election to Governor Overton in a spirit of appreciation of the favors the governor had made it possible for him to attain. He, obviously, kept a gentleman's agreement. The governor was perhaps the youngest governor the Chickasaws had ever had. He was a man of ability far above the average of his people and had improved his native talents by self-education.

The governor was a consistent member of the Presbyterian church and of the Odd Fellows Society. His high regard for Governor Overton was perhaps emphasized by the fact that his sister, Mary, became the second wife of Governor Overton. Rebecca, another sister of Governor Burney, married Col. J. J. McAlester on August 22, 1872. Governor Burney married Louisa Gaines, a

did get riled up once. His cattle began breaking into the farm. Some of the tenants began shooting his cattle. He had told his tenants to watch the fences and keep them in repair and he would meet the expense. Instead of fixing fences they shot the cattle. Burney took up his gun and started for the farm to settle with the tenants. Afterward he and I were walking along this path. He pointed out a certain fence corner where he got on his knees and turned the cattle matter over to the Lord and went back to the house. He worked much for the welfare of the Chickasaws. I have often said that Ben Burney was my best friend among the Indians in my missionary efforts. I am too old and nervous, will be 85, April 12, if allowed to continue.”

⁷ *Indian Journal*, September 16, 1880.

daughter of James Gaines at Tishomingo in the early seventies. She passed away on June 25, 1904.⁸

Governor Burney was erect in carriage, stood about five feet nine, and weighed around 165 pounds. He was pleasant and agreeable and generally revered by all who knew him. Upon his retirement from office, the governor retired to his old farm near Aylsworth, where he answered the last summons on November 25, 1892. He rests in the old Burney cemetery near the farm place where his grave is suitably marked.

In the autumn of 1880, Governor B. F. Overton again was chosen governor of the Chickasaw Nation to succeed the one term of Governor B. C. Burney and, with true Jacksonian energy entered upon his concluding years. He was re-elected in 1882. Not much of importance transpired during these years of his tenure. He addressed the legislature on September 4, 1883, in terms which would indicate growing sentiments of lethargy among his people toward their own government. He boldly challenged the patriotism of the Chickasaws and made dire predictions of their ultimate status, should they fail or refuse to heed his words of admonition. He sought to stimulate their interest in the perpetuation of their independent tribal status.

“Your weakness which has heretofore been your means of strength in appealing for national existence, has produced in the bosoms of your countrymen, a feeling of contempt and disrespect for their own nationality and seeing that their lives and property cannot be protected by the laws of their own country, must naturally seek protection elsewhere. Your government has been very successful in rearing and educating a class of subjects who are perfectly destitute of that spirit of patriotism which ennobles man and instills in his bosom a love of country, its laws and customs. * * * History gives no account of a people as little interested as you do in maintaining a government, particularly when the political fate of the nation depends upon a prompt and impartial administration of the laws. * * * But, as you have, by close contact with the white race, lost your originality as Indians, or I might say, your peculiar customs which give prominence of notoriety and which only attracts

⁸ The writer is indebted to Paul C. Burney of Tulsa, Oklahoma, a son of Governor Burney for much valuable information.

the attention of the serious and faithful historian in writing up the foolishness and greatness of all people who have or may hereafter inhabit this earth, you are now called upon by your wives, sons and daughters to move forward and upward, if not to excellence, at least to a competing level with the other races of the earth. Nature forbids that you remain in an intermediate state between the wigwam and the marble palace—the cap-stone of the white man's glory. * * * While viewing with regret our fruitless attempts to perpetuate our present government, I cannot refrain from commending to you as the ultimatum of our hopes, the consolidating and confederating of civilized tribes for their mutual welfare and protection. * * * Do not let your individual interest absorb your national pride. * * * Will you take advantage of and foster these inherent rights? If so, come out of the Egyptian darkness that seems to enthrall you and meet the future like men.’⁹

His words were not of sudden impulse but reflect his stubborn unwillingness to permit the Chickasaws to be denationalized. His arguments were peremptory. The governor probably felt the timbers of the Chickasaw Nation cracking; things were in a foment and his fears were not groundless. The life of the Chickasaws was already taking on new complexities. The destruction of their communal land tenure and the allotment of their tribal lands in severalty, was openly predicted. The discerning Chickasaw well knew that as a corollary the white man's laws and courts would, sooner or later, supersede the tribal laws and courts—that tribal government would vanish. Common sense lifted him to heights of proper appraisal and, as a consequence, his respect for the law and authority of the Nation, was weakened. Governor Overton was most aggressively opposed to this growing sentiment and vigorously challenged it. He was no pacifist and was unwilling to compromise his principles. His emotions became heroic through their intensity. He was ever mindful of the heroic past of the Chickasaws and eagerly sought to recall them to a self-appreciation of their ability to preserve their own political autonomy with its decadent features. But in the thought of Lord Bacon, “The past should be made a guiding post, not a hitching post.” Governor Overton may have been well intentioned in his objectives and stubborn to recognize the new light

⁹ *Indian Journal*, September 20, 1883.

into which the Chickasaws were rapidly drifting, but his efforts were futile to defy the destiny which awaited his people. "A new foot on the floor and a new face at the door" was approaching, and the Chickasaws were preparing for its approach.

Death summoned the intrepid leader at his home on the Red River on February 8, 1884. He passed away some months before the expiration of his fourth term as governor of the Chickasaws and rests in a family burying ground on the old farm near Willis, where his grave is marked. His term was completed by Ah-chuck-ah-nubbe, a full blood Chickasaw who was president of the senate.

Governor Overton married first Sarah Clementine Jones, who passed away on October 7, 1869. Thereafter, he married Mary C. Gaines nee Burney who died on July 5, 1872. After her death, he journeyed to Kentucky and married Elizabeth Smith who died on February 17, 1876. His last wife was Mattie Carter who was born on February 20, 1862, and whom he married on September 12, 1878. She is now (1938) Mrs. Edward Secra, and lives at Denison, Texas.

The governor, early in life became a member of the Christian church although later his spiritual ideas became somewhat personal. He voiced his sentiments, "To take care of those who cannot take care of themselves, is my religion." In the fulfillment of this creed, he was unremitting. He was a member of the Odd Fellows Society. Governor Overton was very slender in build, standing six feet and weighing 165 pounds. In his private life, he was a combination of mildness and austerity—was both friendly and severe. He loved his friends but was unrelenting toward his foes. In his public career, some of his political notions may have been of a weird pattern, but his obligations were solemnly kept. His spirit was of the old regime and to him, it would seem, that the end justified the means. The governor may have been errant in some of his political concepts; may have grossly magnified conditions which were seemingly adverse; may have misunderstood or misinterpreted the attitude of the Government and may



The old home of Gov. B. F. Overton, near Willis, Okla., now in a state of decay. Should the Red River Dam project be carried through, the site will be inundated and the graves necessarily removed.



Grave of Gov. B. F. Overton (in the center) in the family burying ground a short distance from the house.

have evidenced an unwillingness to bow to the rising sun of a new day for the Chickasaws, but his integrity was never successfully questioned. He was bold and unafraid in contending for the things in which he firmly believed. He typifies the thought expressed by Theodore Roosevelt, "Aggressive fighting for the right is the noblest sport the world affords." But the term "right" is many times a relative term, varying with the observer.

Each one is summoned to answer by the measure of his own worth and Benjamin Franklin Overton contributed his worthwhile hour to the history of the Chickasaws.¹⁰

¹⁰ Judge John B. Meserve is an attorney at Tulsa, Oklahoma. He has written and contributed a number of articles to *The Chronicles of Oklahoma*.

THE SAGA OF SKULLYVILLE¹

By

W. B. Morrison

Hidden away in the lofty fastnesses of the Rockies and Sierras may yet be found the remains of mining towns once the scene of feverish life and activity, but today the picture of decay and death. It was not unusual for these places to bear names suggestive of the hopes and dreams of their founders—Silver City, Gold Center or Eldorado. Yet in spite of the ambitious names most of them have perished from the earth like the fabled “touch of Midas,” leaving little but the name to be remembered.

The reader may ask what this introduction has to do with Skullyville in the old Choctaw Nation. Well, “iskuli” was a Choctaw word that might be translated “money,” and therefore Skullyville was “Moneytown,” a name just as suggestive as Gold Center or Eldorado. But the traveler who drives out of Spiro today and views the few houses and the deserted cemetery where this early Indian town stood, sees very little suggestive of money.

The founding of Skullyville dates back to the year 1832 when the removal of the Choctaws to their new home was in full progress. By orders of Major F. W. Armstrong, who became the first Choctaw agent in the West, an Agency building was erected about fifteen miles west of Fort Smith and a few miles from a suitable landing on the Arkansas River. The situation was healthful, the land being gravelly and easily drained, while a group of never failing springs furnished an abundance of excellent water. These springs still survive the cutting of surrounding trees and the general cultivation of adjoining land, and until a very recent date the water was bottled and sold in Spiro and Fort Smith.

The first agency building, around which the town of Skullyville later grew, was very substantially constructed. It consisted

¹ Most of the information in this article was obtained from former residents of the Skullyville neighborhood or their descendants.

of three hewn log rooms, with foundation of solid stone, about four feet high. The hewn logs were all at least one foot in diameter, and it is said, were cut out by whipsaws in the Cavanal mountains, fifteen miles away. The floors and doors were of puncheon style, the nails all handmade, and the roof covered with red cedar shingles, hand rived. These shingles were not replaced until sixty years later, when the building was remodeled by T. D. Ainsworth, whose widow still lives there. Thus it is seen that the Agency building, around which grew up the town of Skullyville, must be one of the oldest structures now standing in Oklahoma. For many years it was the center of Government activities in this section. Here for several years lived the Agent, Major F. W. Armstrong, and here he died. Here the annuity payments were made to the Choctaws who settled in the Arkansas country, and because they received their money at this place they called it "Iskuli-ville" or "Moneytown."

In 1834 at Swallow Rock, a few miles up the Arkansas from the Skullyville landing, and only five miles from the Agency, Fort Coffee was built, named after Andrew Jackson's trusted friend, General John Coffee. It was beautifully located, with a wide view of the Arkansas both up and down the river. It is said that the chief purpose in erecting a military establishment at this particular place was to try to break up the whiskey traffic on the river, which traffic was becoming quite a problem after the Indian removals.

The fort was maintained, however, for only four years, when the garrison was removed, and a short time later the buildings were turned over to the Methodist Church for a boys' school—Fort Coffee Academy—which was operated until the Civil War. Some time during the War, the buildings were destroyed by fire.

Very shortly after the Indians arrived on the Arkansas in 1832, Skullyville began to be a place of great activity and importance. Many of the wealthier Choctaws, chiefly part-bloods, made their homes in or near the town, farming the adjoining lands with their slaves and pasturing their cattle on the well-watered prairies. Some of the better known families, whose descendants are still to

be found in the region, were the McLeans, Folsoms, Wards, McCurtains, and others. A number of licensed traders established stores at Skullyville, and the town became the center of a brisk trade, not only for the Choctaws but for other Indians to the north and west. The traders brought in extensive and well selected stocks from the eastern markets, and sold them not only for gold paid out at annuity times, but they also took in trade the furs, baskets, beaded moccasins, and even the horses, mules, cattle and hogs of their customers.

Skullyville became the capital of one of the three districts into which the Choctaw Nation was divided, this being named after Mushulatubbe, the last powerful full-blood chief of the group to which Pushmataha belonged. He was a very able Indian, handsome in personal appearance, and a facile orator. He became the first district chief, and lived at or near Skullyville until his death in 1838, when an epidemic of smallpox carried off not only the chief but nearly five hundred other residents of the community. He lies in an unmarked grave probably in the Skullyville cemetery, to which we shall refer later. The artist, Catlin, painted a sketch of Mushulatubbe when he visited Skullyville in 1834. This old chieftain was a reactionary and was bitterly opposed to Christianity as well as to the progressive activities of the part-bloods.

Skullyville had many experiences in its early days, some of them as tragic as the small-pox epidemic referred to above. There was the great flood on the Arkansas in 1833 at a time when several thousand emigrant Choctaws were still camped about the Agency. This was followed by an outbreak of cholera, which carried off several hundred victims. Then, in 1835 the beloved Agent and founder of the town, Major Armstrong, died. He was succeeded by a brother, William Armstrong, who soon became equally popular among the Indians. It is interesting to remember that General Frank C. Armstrong, a son of F. W. Armstrong, and a member of the Dawes' Commission, was born at Skullyville shortly after the founding of the Agency.

In 1838 came the Chickasaw removal, most of these Indians being brought by boat to the Fort Coffee landing, and thence

through Skullyville on the way to their new homes farther west. A few years later came the turbulent remnants of the Seminoles after their desperate war in Florida.

Before 1850 most of the turmoil of the earlier days was over, permitting the full development of the prosperity of the town suggested above. In the middle forties New Hope Seminary, a school for girls, was opened just a mile east of the town. It was a companion school to Fort Coffee Academy, previously mentioned. Both of these schools were operated under the auspices of the Methodist church, and brought large numbers of young people from all over the Choctaw Nation to Skullyville. This is particularly true of New Hope Seminary, which, save for the period of the Civil War, operated with success until destroyed by fire in 1896. The first Superintendent of New Hope after the Civil War was Rev. J. Y. Bryce, whose son, of the same name, was also a minister of the Methodist church and in recent years Secretary of the Oklahoma Historical Society. Other later heads of the school include the venerable Rev. J. J. Methvin, a well-known authority on Oklahoma history, and Thomas D. Ainsworth, whose widow is one of the last few residents of old Skullyville.

Just a little southwest of Skullyville is Charby Prairie, one of great Choctaw ball grounds. George Catlin tells of attending a great game here in 1834 when some three thousand Indians were present. The games were generally played between districts, and there was much rivalry, many people, especially the women, betting everything they had on the outcome of the game. The players, said Catlin, were naked except for the breech-clout, with a sort of tail or appendage of horsehair as a decoration. The game lasted from nine o'clock in the morning until almost night, the winning party being the first to secure one hundred goals. It was a scene of wild confusion with many a bloody shin and broken nose. Indian ball was not a lady's game.

Not only was Skullyville an educational and social center for that portion of the Choctaw Nation, but it was also the political center. Gradually there developed jealousy between the people of the Arkansas country and those of the Red River section. When

the national capital was moved to Doaksville in 1850, it caused such dissatisfaction in the northern section of the nation that for several years a separation was threatened. This culminated in the adoption of what was known as the Skullyville Constitution by a convention held at that town in 1857. The intent of this constitution was to unify the Nation under one governor or chief. Under the Skullyville Constitution, Tandy C. Walker, a part-blood Choctaw, became the first chief, though his jurisdiction was not recognized throughout the Nation.

From this time until long after the Civil War, Tandy Walker was recognized as one of the leading citizens of Skullyville. When the Agency was abandoned, he took it over as a residence and a governor's mansion. When the famous Butterfield-Overland Mail route was established in 1858 between St. Louis and San Francisco, one of the stations was at Skullyville, and Tandy Walker had charge of it. With the advent of the War, being an ardent Secessionist, he aided Agent Douglas H. Cooper to organize the First Choctaw-Chickasaw regiment for the Confederate service. Later, when Cooper was promoted to be a brigadier general, Walker became a colonel and served throughout the war with some distinction. At its close he returned to Skullyville and to the old Agency, where he lived until his death in 1877.

Of equal prominence with Walker in the annals of Skullyville was the McCurtain family. Cornelius McCurtain, a Scotch-Choctaw, came to the vicinity of the old town with the migration from Mississippi, and from the very first became a leading citizen, taking part in all of the political and other activities of his people. He has the credit of being a leader in the movement for free schools among the Choctaws. In 1849 he became District Chief, the highest office within the gift of the people of the district. But the sons of Cornelius McCurtain played an even greater part in Choctaw affairs, and after the War almost completely dominated the politics of the Nation until it ceased to exist. Three of these sons, Jackson, Edmund, and Green, became Principal Chiefs of the entire Choctaw Nation. It was Jackson who during his term of office removed the capital from Chahta Tamaha to its original and

final site at Tuskahoma, and built the handsome Council House which still stands as a monument to his memory. He also secured the right of way for the Frisco railroad through the Choctaw territory.

Perhaps the most notable of them all was Green McCurtain, the youngest son of Cornelius to attain prominence. From the time of his first entry into politics as the sheriff of Skullyville county in 1872 until his death in 1910, Green McCurtain was always reckoned among the leaders of his people, holding almost every high office within the gift of the Nation. He was the outstanding leader of the Choctaws during the trying times of the Dawes Commission settlement and the close of the tribal period, and was the last elective chief of the tribe under the old regime.

One of the stark tragedies of Old Skullyville involves its two most prominent families, the Walkers and McCurtains. As previously stated Colonel Walker lived in the old Agency building, which he had converted into a dwelling. His second wife was a Miss Krebbs, who was connected by marriage with the McCurtains. With him also lived his son, Henderson, and a daughter, children by his first wife. For some reason, in the period following the War, the Walker and McCurtain families were not on very friendly terms. Conditions were not improved when young Robert McCurtain began to pay court to Tandy Walker's daughter, and he was soon forbidden to come to the Walker home. However, one day in August, 1874, Robert McCurtain rode up to the gate and dismounted. Before he could enter the house Henderson Walker came out on the gallery with a gun, and ordered young McCurtain to retreat. When the order was ignored, Walker fired, the shot taking effect in McCurtain's body. The latter was able to mount his horse, but when he had reached a point about a hundred feet south of the present school building in Old Spiro, he fell from his horse and died. Henderson Walker immediately went "on the scout" and was gone for two years, his father, Colonel Walker, meanwhile moving to Tamaha. But eventually Henderson returned, to be met within a short time by Robert's brothers, Jackson and Green McCurtain, who evened the blood feud by shooting him to death.

The old cemetery of Skullyville has all the interest usually attached to these ancient places. Untold hundreds if not thousands of people lie here in unmarked graves, while the engraved stones date back into the eighteen thirties. It is a peaceful spot; from one point in it the Arkansas River can be seen, while numerous trees cast their shade over the last resting place of the dead. Two chiefs of the Choctaw Nation, Colonel Tandy Walker and Edmund McCurtain, rest here. Perhaps the most elaborate monument in the cemetery marks the grave of Edmund McCurtain. Among other sentiments in the long epitaph inscribed on the stone are these: "He was kind and generous as the brave only be. When the years have come and gone and the Choctaws be few, this stone shall mark the place of one of the purest, bravest and most patriotic sons of that nation."

The decline of Skullyville was rapid after the Civil War. One by one stores and residences were burned or otherwise destroyed never to be rebuilt. As usual with the old towns, the railroads passed it by, and Spiro a mile to the west, came to be the place of importance. Today, in addition to the Agency building, perhaps a half dozen others still stand within the bounds of Skullyville. The descendants of its first families are scattered far and wide. But as one who lived there years ago well said: "Let Old Skullyville be remembered long as the principal town of the Choctaw Nation before the coming of the railroads, for here were some of the flower of the tribe; a set of people who always stood for honesty, education and the general welfare, whose men were always noted for their hospitality and generosity, the women for their charity and purity of character."

Most of the site of Skullyville was underlaid with sand and gravel. During the past few years untold tons of the very dirt upon which those early people trod have been scattered over the roads from the Winding Stair to the Arkansas border—a fitting reminder of the way in which the original settlers scattered their own culture and refinement throughout their tribe and section.²

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EXCITEMENT ON THE SWEETWATER

By

Captain W. S. Nye

Several of Colonel Nelson Miles' fights with the Indians during the 1874 campaign are fairly well known; among these are Lieutenant Frank Baldwin's famous charge in wagons into the Cheyenne camp where the German sisters were retaken, Lone Wolf's siege of Captain Lyman's wagon train, and the Buffalo Wallow fight. Less attention has been paid to the operations of the Fort Bascom column which was operating in this part of the plains at the same time. Herein is a description of a brush between these troops and the Indians, which occurred on or near Sweetwater Creek, somewhere near what is now the western border of Oklahoma. The story is arranged so as to give first the Indian version, followed immediately by the official report of the officer commanding the troops. Note the close agreement between them, even in a number of minor particulars.

Botalye,¹ aged Kiowa, presents the Indian side of the picture substantially as follows:

"About noon we began to leave the wagon train fight, because we thought that our women and children might be in danger of an attack by other troops which we knew were moving about on the prairie not far away. My companion wanted to refresh himself after the strenuous fight by taking a swim in the creek, but I, thinking that this would be a little too much, refused. As we left the wagon train we heard the sound of gunfire to the southwest. Riding in that direction about three miles

¹ Botalye, later known as Eadle-tau-hain, was a Mexican-Kiowa. His stepfather was Maman-ti, noted medicine man and war chief, and his half sister was a well-known Kiowa woman named Hoodle-tau-goodle, who died last winter in Carnegie. When the Indian troop (Troop L) 7th Cavalry was organized at Fort Sill in the '90's, Botayle enlisted in it; for this reason, and at his own request, when he died in 1936 he was given a military funeral and was buried in the Fort Sill cemetery. For a full account of his participation in the attack on Lyman's wagon train see W. S. Nye, *Carbine and Lance* (Norman, Oklahoma, 1937).

below the Washita we found that some of the Kiowas had surrounded a party of five or six white men, several of whom were soldiers. The Indians seemed to be having a lively time, and one of them, a young fellow named Pay-kee, had had his horse shot under him. Two horses had been captured from the whites; the Kiowa who claimed them was having an argument that nearly ended in a fight with a Comanche who also claimed the animals. The white men were kneeling in a little buffalo wallow, firing at the Indians; I noticed a Caddo Indian with the whites.²

"After this fight, and while we were eating dinner, more soldiers appeared far off to the west; they were riding in a column of twos, and approached rapidly. About this same time we were joined by a small group of Indians who had come west from Fort Sill under a white flag. They had a message from Kicking Bird and the commanding officer ordering us back to the post. We tried to get the bearer of the flag of truce, a Mexican Kiowa named K'ope-to-hau (Mountain Bluff), to go out to meet the troops and show them the friendly papers which he had brought from Sill. But the old fool wouldn't go; he wanted to smell some powder first. We worked hard with him, but finally had to let him join in the fight.

"Now the troops were getting closer. We saw something moving towards the west. It was Set-maunte,³ who had on his war bonnet. The soldiers saw him. They halted, faced to the southeast, with Set-maunte opposite them. The rest of us were on the north and east side behind a low ridge, planning to surround them. Set-maunte galloped across toward us. The soldiers fired at him but he was not hit. We now planned to attack with groups dashing in from the north, northeast, west, and

² Botayle is referring to the Buffalo Wallow fight, in which four of Col. Miles' soldiers, and civilian scouts Billy Dixon and Amos Chapman won Congressional Medals of Honor. See Olive K. Dixon, *Life of Billy Dixon* and Paul I. Wellman, *Death on the Prairie* (New York, 1934). It is difficult to determine what Botalye meant by the statement that a Caddo was in the beleaguered party; he may have mistaken Amos Chapman for an Indian.

³ Set-maunte (Bear Paw) was renowned among the Kiowas as a war chief. In later years he was in the government service at Fort Sill, and is buried in the post cemetery.

northwest. I joined the nearest group. At this moment another troop of cavalry appeared; behind them was a small two-wheeled cannon. The first troop went toward the southeast while the new troop with the cannon waited for them to start the fight. We were anxious to start it right then, but our chiefs were trying to keep us from shooting because our village, which at that time was packed and on the move, was so close still that it was risky for us to start anything.

"There was a short pause. Then a Comanche rode out from a little creek branch about three hundred yards away from us and went toward the two officers who were out in front of the troops. The officers, probably thinking that the Comanche was a chief approaching for a peace parley, started to put away their guns. At that instant the Indian shot at them, whereupon they reached for their pistols again. The troops opened fire. When the Comanche returned to where the rest of us were, his horse was bleeding from the shoulder.

"We were behind a hill. When the firing started, various Indians started out over it toward the soldiers, making their circling charges. All of us were whooping. The firing was almost continuous; the excitement was grand. It had been raining hard, so that the women and children behind us were having a hard time crossing the rapidly rising creek. But finally they were on the other side, and we also began to withdraw. My companion, Little Owl, and I were among the last to make a charge toward the firing line. We were almost on top of the gun flashes when I noticed that my horse was faltering. For a moment I thought that he had been hit. Then I saw that he was choking, and thought that his bridle was too tight. Although the bullets were singing all around me, I started to dismount to fix the bridle before the horse fell with me. This probably would have been the end of me—the soldiers would have got me sure. But just at that moment a skinny little Indian named Haun-goon-pau⁴ came my way, shouting, 'Don't get off! Stay on him. Your horse is choking on a wad of grass in his throat.' He gave my pony a

⁴ Commonly known as Silver Horn. Still living near Stecker.

couple of hard licks across the rump with his quirt. The animal gave a big belch and disgorged a bunch of grass, enabling me to escape.

"The creek was now running bank full. We jumped in and began swimming our horses across. Two soldiers arrived, saw a number of us in the water, and rode back to bring up the rest of the cavalry. If these had arrived promptly it would have gone hard with us. But they were slow, and we all gained the far bank safely. It was now dusk. The soldiers began to ride up on the far bank, but hesitated to plunge into the flood after us. We thought that we were safe, and began to cut capers and yell back at them. A shower of bullets put a stop to this. Away we went on the run again, toward the northeast. Late that night we camped at the head of Elk Creek, where we breathed slowly once more."

* * * * *

The troops involved were four companies of the Eighth Cavalry from Fort Bascom, New Mexico, under Major William Price. Extracts of his official report,⁵ written a few days after the engagement, follow:

"On the 28th of August I moved from Fort Bascom to the old Fort Smith road⁶ and along it on the south side of the Canadian to Canyon Bonita⁷ where I arrived on the morning of September 4. The fresh trail of a party of Mexican Comanche traders had been seen on the road for eight miles. At this point they seem to have been joined by a party of Indians, and left in a southeasterly direction. My guides, who had been Comanche traders and were perfectly acquainted with the country, said that I could strike the headwaters of Red River and the homes of the Indians by a march of fifty miles across the plains in a southeasterly direction. My orders leaving it discretionary with me

⁵ File 2815, Old Files Adjutant General's Office, Washington, files for 1874-75.

⁶ The trail which Marcy pioneered from Fort Smith, Arkansas, to Albuquerque thence to California, also followed in 1853 by Lieutenant Whipple's survey expedition.

⁷ White Sandy Creek.

and as I assumed that General Miles' command would be far to the southeast of Antelope Hills by that time, I directed Captain Farnsworth with 'H' Company to conduct the wagons in the direction of Antelope Hills, making marches of about twenty miles per day.

" . . . On the sixth we began to see signs of retreating Indians, and about 3 PM struck the wagon trail of General Miles three miles north of the Salt Fork of Red River, or the Capolin. The main body of Indians had gone down this stream in a southeast direction, followed by General Miles' command. I inferred that they were making toward their reservation and that General Miles had gone to Fort Sill. Some forty Indians had been in his camp after he left. The sign was very fresh and led in a southwesterly direction.

"A heavy rainstorm set in about 9 o'clock on the morning of the seventh and continued in torrents during the entire day. . . . I moved to General Miles' camp. He informed me that the Indians were all out, that he had made several ineffectual efforts to communicate with me, and as his scouts had not returned he feared that they had been killed. His troops were then falling back, as they were out of rations. The heavy rains had swelled the dry arroyos to deep running streams. I moved as nearly due north as possible on the eighth, camping that night on the Salt Fork, on the ninth on Whitefish Creek,⁸ on the tenth on McClellan Creek, and on the eleventh on the plains near one of the branches of the Sweetwater. I sent up rockets each night as a signal to the train.

"I now came to the conclusion that my couriers had met with disaster and had not reached Captain Farnsworth. On the twelfth I took a northeast course for Antelope Hills. It rained heavily in the morning; about noon, while moving in a northeast direction between the Sweetwater and the Dry Fork of the Washita, I saw what appeared to be a long column of troops moving westward across my front. It soon proved to be a large body

⁸ A branch of Elm Fork.

of Indians. They selected their own ground on the crest of a steep ridge, and awaited my attack. I had with me 110 men and a howitzer with eight rounds of canister. My shell had become wet with heavy rains and was useless. Lieutenant Sprole with the guard of twenty men had been sent over General Miles' road to intercept the wagons should they come that way. As I threw out skirmishers and advanced, the Indians sent forty or fifty of their number to my right and rear. The animals on my howitzer were very much fagged by the heavy roads, and were unable to keep up with the rapid movements of the troops. I directed Captain Hartwell, Captain Morris, and Lieutenant Rogers, with Companies K, L, and C to charge the crest and, turning to their left, to pivot on the gun and sweep the ridge of Indians. At this time Lieutenant Fuller, Officer of the Day, with a guard of twenty men, was protecting the gun. He sent me word that the Indians were concentrating on the gun, dismounting, and getting into ravines, and were getting his range and closing in on him. I took a platoon and went to the relief of the gun. The Indians fought very stubbornly, and during the first hour and a half of the fight were very bold, exposing themselves by rapidly riding on every side of us and firing at short range. Our line drove them from every position they occupied, charging whenever the ground would permit of it. We drove them for six or seven miles, occupying two and three-fourths hours' time, when they fled in every direction. They left no dead on the field; a number were seen to fall from their horses but they were immediately surrounded and carried off by others.

"I went into camp a short distance from where I engaged them, but they made no effort to molest me during the night. Neither did they attempt to harass Captain Farnsworth, who was passing to the west of them on the twelfth and thirteenth. He crossed their trail on the fourteenth; it was a mile wide, moving in a southwesterly direction, and showed signs of one thousand head of stock. He killed and captured over thirty ponies. My first impression when I engaged them was that it was a party of bucks from those who had gone south on the advance of General

Miles . . . but when I came in contact with the officers who had been on the hill, and with the Navajoes,⁹ I was informed that they had a large herd of stock and their women and children with them, and they crossed the Rio Negro in a northwesterly direction. I infer that it was a fresh party direct from Fort Sill. I understand that General Davidson thinks it was Lone Wolf and a large party.

"My six days' short rations had been exhausted on the tenth, and my command had been eating nothing but buffalo meat without salt . . . it was impossible to follow farther. I moved eastward on the Rio Negro on the thirteenth, and in eight miles struck the wagon road. While halting here, a man was discovered off to our right on foot, endeavoring to communicate with us. He proved to be a scout from General Miles' command, named Dixon. He said that he, with another scout and four soldiers, had been sent to communicate with the wagon train. Early on the morning of the twelfth they had been attacked by a large party of Indians. They at once abandoned their horses, and endeavored to reach some point where they could defend themselves; they succeeded in reaching a buffalo wallow on some rising ground, and dug a hole with their hands in the sand, but before they could accomplish it, four out of the six had been wounded, one of whom lingered during the long stormy night and had died in the morning. They had had nothing to eat since the night of the eleventh. They thought that our command was the Indians returning. Dixon had been watching the road in hopes of relief. I directed the surgeon, Dr. McClain, to go with a few men and see the wounded. The men in the pit, thinking it was Indians, fired on the doctor's party, killing one fine horse instantly. The suffering of these men was extreme, and their condition fearful. In the hole six feet square and a foot and a half deep were one corpse and three badly wounded men, the hole half full of water, and they had to keep bailing to keep from being drowned

⁹ Major Price was employing Navajo scouts, hereditary enemies of the Kiowas and Comanches. During this campaign the Kiowas caught two or three of these young Navajoes in what is now Greer County and hanged them to mesquite trees.

out, yet these men had kept up their courage and defended themselves until the Indians left them upon the approach of my command. My men gave them some buffalo meat which they were glad to eat raw, and I detailed Lieutenant Rogers and Company C to go back and notify General Miles of their condition, and to get an ambulance forward as soon as possible. They could not have survived the exposure of another night in such a pelting storm. An ambulance reached them and they were made comfortable between ten and eleven that night.

"When on the divide between the Washita and the Canadian, and near the latter stream, I thought I heard, and the command said they did hear three or four cannon shots or volleys of musketry on my right. I halted, and three mounted men were seen on a hill about two miles off. I detached two men to go and see who they were, and had bugles sounded to indicate that we were soldiers, but before my men could get near them they turned and galloped out of sight. I concluded they were Indians. My men continued on over the ground where they had been seen and to the hill beyond; other men were sent to their support, but they returned and reported that they could see nothing of them.

"I believed that my own and General Miles' train was somewhere in the vicinity, but thought that the best way to reach them was to keep on the road. I mention this as the sounds we heard came from General Miles' (Lyman's) train, which had been besieged by this same band of Indians for four or five days, and the officers in charge were signaling to us by firing volleys. I understood that there was some feeling expressed because we did not come immediately to their relief.¹⁰ I was very much in need of everything supposed to be in a supply train, and certainly thought that I would soonest reach them by keeping on the road.

¹⁰ Price is putting it mildly. Miles was furious at this and other instances during the campaign where he considered that Price had failed to render proper support. Price was also criticised sharply for his actions at the time he "rescued" the five survivors of the Buffalo Wallow fight. They stated that he rode off without even leaving them any protection.

I reached the river where the road crosses the Canadian, about 9 PM. My impression gained from the Mexicans, the Navajoes, and from my own information is that the main body of Indians with their families are now on the two forks of the main Red River (Palo Duro and Tule), in the Canyon Blanca, and on the Staked Plains adjacent to those streams."¹¹

¹¹ Captain W. S. Nye is attached to the Command and General Staff School at Fort Leavenworth, Kansas. He is the author of *Carbine and Lance* (Norman: University of Oklahoma Press, 1937).

ANNUAL MEETING OKLAHOMA HISTORICAL SOCIETY

May 5-6, 1938

The annual meeting of the Oklahoma Historical Society convened May 5, 1938, at Tahlequah, Oklahoma, as per resolutions of the Board of Directors, January 27, 1938.

The opening session was held in the auditorium of the Northeastern State Teachers College.

The band of the college under the direction of Mr. Henri Minsky rendered a short program.

Mr. John Vaughan, President of the college, gave an address of welcome.

Judge R. L. Williams, President of the Oklahoma Historical Society, gave the response and read his annual report.

President's Report

The work of the historical society has made gradual progress during the past year. For efficiency, it is essential that each employee have a definite responsibility for a specified work. An effort has been made to that end. At times there have been indications that harmonious results had not been brought about as desired. When complaints came to me, without answering same, I would call upon the Secretary for reports generally on such department. I have had these reports. When I have the opportunity I shall make a personal investigation to determine these matters. I understand that the Secretary is an executive in the absence of the Executive Committee or the President, but upon the whole, as before stated, gradual progress is being made.

Works Progress Administration projects have been functioning in connection with the historical society for the past two years: (1) for the cataloguing and indexing of newspapers and other periodicals, manuscripts, old letters, diaries, wills, etc., which is quite an undertaking, as the historical society has within its archives one of the finest newspaper collections in America, especially for as new a state as Oklahoma. We have the assurance that this project will be continued or renewed.

I recommend that this meeting vote to authorize the President and Secretary to enter into the undertaking for such extension, and to bind the society in a sponsor's fund, not to exceed \$750.00 whether the funds come from the private funds or state funds available for such purpose.

(2) Another project is the Indian Pioneer project in conjunction with the Oklahoma State University which closes soon. It wasn't practical to agree on a plan for an extension or to procure an extension.

The society, through its staff and organization, under the leadership of the Secretary, has been gathering into its archives municipal, county and state, and Indian agencies and sub-agencies, records which are of considerable historical interest, and at the same time, in comity, we are endeavoring to supply historical societies of other states, free of charge, photostat copies of original Indian records committed to our care through the Interior Department of the United States Government relating to the Indians when they were domiciled in such state. By enactment of the Act, which was passed by Congress through efforts of the late Congressman W. W. Hastings, and on account of this great service we have the custody of such records. Other states are seeking to have such acts passed for their benefit, and we are endeavoring to exercise the foresight to furnish photostat copies to such states that when such acts do pass, if the original records are

sought, we will have all moral claim on account of our courtesy and efficient acts in supplying them with copies, to retain them. I don't mean that is the sole purpose. Our purpose is dual. We are furnishing same because we ought to as a matter of comity and readily and hastily so there will probably never be any controversy as to the originals.

We are seeking to make the Oklahoma Historical Society, insofar as research for matters pertaining to Indian history and lore, second only to the Smithsonian Institution.

The Sequoyah project is completed with the exception of the landscaping and watering. The probability is that the project will be renewed so as to be continued through the summer in order to water the shrubs and trees, and make the place not only an enduring monument to the great Sequoyah but also a place of Nature's beauty.

The project as to the Robert M. Jones Cemetery at Rose Hill, near Hugo, Oklahoma, in which he and his family were buried, has been completed. It is an enduring memorial to him as a leading, great and useful Indian and delegate from the Choctaw and Chickasaw Nations in the Congress of the Confederate States of America.

What is known as the "Publication and Editorial Committee" has begun to function toward the elevation of the *Chronicles*. Prior to this year that committee's work was in a desultory way. A rule has been established that no article is to go into that magazine until it has first been approved in writing by three members of the Publication and Editorial Committee, and the plan now is gradually growing into fruition to seek the character of articles to be placed therein and not to be filled solely by volunteers in such a haphazard way that duplication may run through the publications. We hope in the early future for the *Chronicles of Oklahoma* to have high rank with that of other great institutions.

The Historical Society was represented at the last meeting of the American Historical Association, and it was a matter of regret that the meeting of the Mississippi Valley Association was so soon after the cornerstone laying and dedication of the Robert M. Jones Cemetery and the meeting of this society, that it was not practical for the Secretary to attend as our representative. The Mississippi Valley Association convened in Indianapolis, Indiana, on April 28, 29, and 30.

The library of the Oklahoma Historical Society is being increased as the funds available for that purpose permit.

One of the difficult matters is the membership:

The life memberships are about 150 and the paid-up annual memberships are a little less than 600. When you consider that our magazine, *The Chronicles of Oklahoma*, is increasing in merit, and that it is intrinsically worth at least \$2.50 per year, there never being an issue that there is not an article contained in it but that it is worth at least one dollar, it is incomprehensible that there are no more paying annual memberships, especially when the *Chronicles* are furnished free to such members without any additional charge therefor.

On investigation I find that one of the reasons is in lapses. I will meet persons—talk to them and find out they haven't been receiving the *Chronicles* and when I explain to them that after they do not continue their annual membership dues, the *Chronicles* do not continue to be sent, they state that they were not aware of such practices. I have talked over the matter with the Secretary with a view of his watching such delinquencies and cause a letter to follow immediately calling attention thereto, and then of carrying a notation in each issue of the *Chronicles*, calling attention to the fact that it is sent without charge to the members who remain in good standing by continuing the paying of annual dues of \$1.00 per year.

Then in every county, and especially where there is a college and a highschool cooperation will greatly aid. The *Chronicles* is sent free to every institution or school that maintains a library.

It is our purpose to have the Secretary to attend all the Old Settlers' Reunions, not only with a view of his making an address, but at the same time to interview Old Settlers to get historical data to preserve not only the history of themselves but also that of their own times. We appeal to the school teachers and the leaders in every community to cooperate in bringing about this result in an effective way.

I have had recent correspondence with Dr. Forrest E. Clements, Department of Anthropology, University of Oklahoma, Norman, Oklahoma. The Oklahoma Historical Society furnished a part of the money to acquire the lease for excavation of the Spiro Mound with the understanding that the Oklahoma Historical Society would have half-interest in the result of the excavations (Spiro Mound). Afterwards, the University of Tulsa came in and they were to make some advancements, and if they made advancements as it was understood it was to be divided one-third to each: The State University, Oklahoma Historical Society and Tulsa University.

I have recently taken this up with Dr. Clements and we have a tentative plan as to displaying for a time the most of these excavations in one of the museum rooms in the Oklahoma Historical Society Building in Oklahoma City, in locked cases now available or to be made available by the historical society for such purposes.

We have assembled biographical data as to all except two of the members of the Oklahoma Constitutional Convention, and as to them (two) we expect to procure same.

Judge Wm. P. Thompson read the following resolution:

MOVED, that the President of the Oklahoma Historical Society is hereby authorized to enter into contract with the proper WPA office for Continuation of Serial No. S-179, Project No. 465-65-3-92 to continue classifying and indexing Indian Records and indexing and cataloguing newspaper files and manuscripts and diaries, papers and materials in the possession of the Oklahoma Historical Society, and also to execute the proper papers in the name of the Oklahoma Historical Society by him as President, to be countersigned by the Secretary, who is hereby authorized to attach his signature as Secretary for such purpose and to affix the seal thereto of the Society; also the sum of \$750.00 is made available for such purpose from the private funds or any state-appropriated funds available for such purpose, same to be drawn on the Treasurer by voucher or order of the President, countersigned by the Secretary.

Said resolution was adopted, the said sum of \$750.00 to be set aside as available for the sponsor's part to finance the project. Motion was seconded and carried.

Judge Wm. P. Thompson read the following resolution:

MOVED, that the President be authorized in the name of the historical society, countersigned by the Secretary, with the seal of the society attached, to enter into contract for continuation of project or for a new project to carry on additional work on the Sequoyah Home Park, and for easements and work thereon, and such renewal or continuation project or a new project proposal on behalf of the Oklahoma Historical Society as Sponsor, which is to have the effect for the continuation of Project No. 8-4066, it being contemplated that the WPA will furnish the common labor, putting down the pipe for the watering of trees and shrubbery and for finishing the walks and easement, the historical society expected

to furnish the pipe and a plumber or a pipe-fitter to direct the laying of the pipe, and that in addition to the money now available that has already been appropriated by the historical society in the sum of \$141.61 and the money held by the committee through its treasurer is first to be used for meeting the sponsor's part, but in the event that it be not sufficient, that then an additional \$250.00, either out of state appropriated funds available therefor or out of the private funds is authorized to be expended for this project, and then if it is not needed for such purpose as still additional funds for the continuation of the project it is hereby reappropriated for such purpose and to be available for such purpose, the President being authorized to draw the vouchers to be countersigned by the Secretary, also money collected by the committee for the Sequoyah Shrine which is composed of R. L. Williams, Dr. Grant Foreman, and R. M. Mountcastle, said committee being authorized to collect and receive from the First National Bank of Tahlequah, Okla., such funds placed there by its Treasurer or Trustee (as a member of said committee) the sum of \$380.03, and fully receipt said bank therefor, and moved that the resolution be adopted and that the said \$250.00 additional be set aside to finance such project. Motion was seconded and carried.

Judge Wm. P. Thompson read the following resolution:

RESOLVED: That the President of the Oklahoma Historical Society be requested and authorized to secure a charter for an educational and scientific corporate association (Oklahoma Historical Society Foundation, Incorporated) to be self-perpetuating, with not less than three or more than seven Directors, a majority of whom shall not be members of the Board of Directors of the Historical Society, charter to be secured under

Article 11, Chapter 46 of the Oklahoma Statutes, 1931, and moved its adoption. Motion was seconded and carried.

The President spoke on the services to the Oklahoma Historical Society and the State of Oklahoma rendered by the late W. W. Hastings.

Judge Wm. P. Thompson moved that the President, to be chairman, appoint four others to constitute a committee of five to prepare resolution in memory of the late W. W. Hastings. Motion was seconded and carried.

The meeting recessed until 8:30 A. M. May 6, 1938.

A reception was held in the Haskell Hall for the visiting members.

The various historic places in and around Tahlequah were visited.

At 7:30 P. M. a banquet was given in the Florence Wilson Hall with the following program:

Mr. John Vaughan, President of the Northeastern Teachers College, presiding.

Invocation, Rev. C. H. Shackelford, pastor of the First Presbyterian Church at Tahlequah.

Music by the Women's Choral Club.

Violin solo, by Mr. Henri Minsky.

Address, Dr. Herbert P. Gambrell, Southern Methodist University, Dallas, Texas.

Benediction by Rev. C. H. Shackelford.

May 6, 1938:

The meeting was called to order by the President, Judge R. L. Williams, in the Auditorium of the College at 8:30 A. M.

The President read communications from President H. V. Posey of the Southeastern State Teachers College, President Andrew Bramlet of the Oklahoma Presbyterian College for Girls, the Mayor of Durant, the President of the Rotary Club, the Lions Club, The Kiwanis Club, the Chamber of Commerce and the editors of the three newspapers of Durant, inviting the Oklahoma Historical Society to hold its next annual meeting in Durant.

At the request of Judge Harry Campbell the Secretary read an invitation from the Mayor of Tulsa, Dr. T. A. Penny, and Mr. John Rogers, President, Tulsa Chamber of Commerce, inviting the members to hold their next annual meeting in Tulsa.

Dr. Emma Estill-Harbour moved that the next annual meeting of the Society be held at Durant. Motion was seconded and unanimously carried.

The President announced the four members of the Hastings Memorial Committee to be appointed by him as follows: Judge Wm. P. Thompson, Dr. Grant Foreman, Mrs. Roberta C. Lawson and Judge Harry Campbell, the President *ex officio*.

Later, report was made which is in words and figures as follows:

William Wirt Hastings was born on 31st day of December, 1866, in Benton County, Arkansas, near the town of Gravette, his father being Yell Hastings, a white man, who was married on the 2nd day of February, 1864, to Louisa Stover, a member of the Cherokee Tribe, and related to the Wards, a prominent family of said Tribe.

When he was about three years old, the family removed to the Delaware District of the Cherokee Nation in the Indian Territory, where he attended the local Cherokee schools, later entering the Cherokee Male Seminary at Tahlequah, graduating therefrom in 1884. He then entered the law department of Vanderbilt University, from which he graduated in 1889.

On the 9th day of December, 1896, he was married to Miss Lulu Starr, related to many prominent Cherokee families. The following children came from this marriage, three daughters: Miss Lucile Ahnawake Hastings, a student at the University of Chicago, Mrs. Lillian Hastings Wyly, wife of Mr. Robert Fletcher Wyly, of Tahlequah, and Mrs. Mayme Starr Hastings Carter, wife of Jack Draper Carter, of Tulsa, Oklahoma. He is also survived by two grandchildren, Janet Carter, of Tulsa, Oklahoma, and Anne Wyly, of Tahlequah, Oklahoma.

After his admission to the bar, he was associated in the practice of the law at Tahlequah with Judge W. P. Thompson, now of Oklahoma City.

From 1891 to 1895, inclusive, he was Attorney General of the Cherokee Nation, and from 1907 to 1914, its national attorney, representing its various interests before the departments in Washington. From the time that he was admitted to the bar, during the political existence of the Cherokee Nation, he was active in its political affairs, being a member of what was known as the Downing Party. He was also active as a member of the National Democratic Party, attending every territorial or political convention of said party from 1892 to the erection of the state. During a part of that time he was a member of the Indian Territory Democratic Central Committee. After the erection of the state he continued his activity as a member of the Democratic Party, attending all conventions. He was a wise counsellor and his advice in such activities and councils was sought.

Mr. Hastings was faithful in his church relations, being a member and an elder of the First Presbyterian Church of Tahlequah. He was also a leader in local civic matters for the public welfare, and also efficient and successful in his own private business.

At the organization of the First National Bank of Tahlequah on June 15, 1900, being a stockholder thereof, he became a director, remaining as such until the day of his death. On January 11, 1910, he became president of said bank, holding that office until January 12, 1915, on which date he became chairman of the Board of Directors, serving in that capacity for two years at which time the office was discontinued, but remaining as a member of the Board of Directors, holding such position continuously from June 15, 1900, until April 8, 1938, the date of his death. He was also a director in the Commercial National Bank of Muskogee, Oklahoma. He was also identified with other local business enterprises, being especially engaged in intensive and progressive farming.

A delegate to the Democratic National Convention at Baltimore in 1912, he supported the candidacy of the late Woodrow Wilson for President. Elected as a Democrat to the Sixty-fourth, Sixty-fifth, and Sixty-Sixth Congresses (March 4, 1915 to March 3, 1921) where he represented the Second Congressional District of Oklahoma, with ability, efficiency, and a high order of statesmanship. Nominated on the Democratic ticket for election from said District to the Sixty-seventh Congress, but was defeated in what was known as the Harding landslide. Elected to the Sixty-eighth, Sixty-ninth, Seventieth, Seventy-first, Seventy-second, and Seventy-third Congresses from the same district, when he voluntarily retired at the close of the Seventy-third Congress in January, 1935, and, as his health permitted, thereafter devoted himself to looking after his private interests, aiding in matters pertaining to the public welfare, and also as a party counsellor.

He held a life membership in the Oklahoma Historical Society, which was voted to him by said society in recognition of the outstanding service he had rendered for it. At the time of his death he was a member of the committee representing the society in the construction of the Sequoyah Shrine, located about twelve miles northeast of Sallisaw, in Sequoyah County, Oklahoma, in which he rendered efficient service at all times, evincing great interest in perpetuating the service and deserving fame of Sequoyah, the inventor of the Cherokee alphabet. Mr. Hastings rendered distinguished and lasting service to the Oklahoma Historical Society by introducing and sponsoring to final passage by Congress a bill authorizing the removal to for deposit in the archives of said Society of a vast and priceless collection of manuscript material from numerous Indian agencies throughout Oklahoma, giving the Society an unique position as the repository of the most extensive collection of Indian material in the Nation, outside of Washington, D. C.

As a member of the Congress of the United States, he not only represented all the interests of his district with great ability, fidelity, and efficiency, but took special pains to see that the rights of members of his tribe were not neglected. He was one of the greatest Congressmen who have served Oklahoma in the Congress of the United States, and his public services were of that able, high, efficient and patriotic order which deserve to be remembered and recorded in the history of our country.

He died about 6:10 o'clock in the morning of April 8, 1938. From 9 o'clock Sunday morning, April 10, 1938, until the funeral services in the afternoon, thousands of people among whom he had lived, loved, served, and worked for so many years filed respectfully past his flower-covered casket where it lay in state in the administration building at Northeastern State Teachers' College in Tahlequah, Oklahoma.

Shortly before 3 o'clock on that afternoon, nine of his faithful friends carried the casket containing his mortal remains through the silent crowd on the campus to the auditorium of said college where more than four thousand persons had assembled to take leave of this great leader, it being fitting that they should pay this tribute to him at the college to which location at Tahlequah he had, in a primary measure, contributed.

The Rev. C. H. Shackelford, pastor of the First Presbyterian Church of Tahlequah, in charge of the services, spoke briefly and sincerely of "his full virtue of life, his noble manhood and his faithfulness to God."

He was followed by Hon. W. P. Thompson of Oklahoma City, who had known him since they were three-year-old lads living on adjacent farms in what is now Delaware County, Oklahoma, then Delaware District of the Cherokee Nation, and who were schoolmates in a local log cabin school, and later at the Cherokee Male Seminary, and subsequently classmates in the law department of Vanderbilt University, and who began the practice of law together in Tahlequah in 1889.

He was a success during life in every undertaking, as husband, father, neighbor, friend, businessman, and public servant. He was an honor to his race and his country.

* * *

Now, therefore, be it *Resolved*: That the Oklahoma Historical Society place these resolutions upon its records as a memorial of the life of its member, the late William Wirt Hastings, and that a copy of same be furnished to his wife and three daughters.

R. L. Williams, Chairman.

Judge Wm. P. Thompson moved that a committee be appointed from the Historical Society to cooperate with a like committee from Tahlequah in erecting a monument to the late W. W. Hastings. Motion was seconded and carried.

Judge Wm. P. Thompson moved that a committee be appointed from the Historical Society to cooperate with a like committee from Ardmore in erecting a monument to the late Charles D. Carter. Colonel A. N. Leecraft seconded the motion and it was carried.

Dr. Grant Foreman read a paper including a resolution as follows:

There are associations of peculiar significance in connection with the time and place of this meeting of the Oklahoma Historical Society which it seems appropriate to notice on this occasion. One hundred years ago this month The Cherokees of Georgia and Tennessee were being driven from their homes and herded into concentration camps, and in the autumn had started on the sad march to this country that they referred to as the Trail of Tears. The people of Illinois are taking steps to commemorate the centenary of the emigration of the Cherokees through their state, and it seems fitting to consider a similar observance in Oklahoma, particularly in what was formerly the Cherokee Nation.

For more than a century the Cherokee people have justly prided themselves on their achievements in the field of learning and culture. Boasts of the warrior have given way to the victories of statecraft and education. Nowhere have these victories been signalized so significantly as in the neighborhood in which we are gathered. Assembled near the springs that gave birth to Tahlequah, the Cherokees brought forth in 1839 their constitution, under which they prospered during the remainder of their tribal existence. Here, until their tribal government was abolished, the Cherokees conducted their national government—their executive, judicial and legislative functions.

Inseparably associated with their accomplishments in the realm of culture and statecraft were Sequoyah and John Ross. The former has been honored in high places for his amazing genius and contribution to his people. While the name of Ross is even better known historically, his services are little known and remembered.

At the seat of the government over which Chief Ross served so long, it may not be amiss to recall briefly his part in the lives of his people. The appropriateness of this will be apparent when we recall that since the Cherokees adopted a constitutional government in 1827, more than 110 years ago, John Ross was repeatedly selected by his people, and served as their chief almost 40 years, nearly as long as the tenure of all other Cherokee chiefs added together.

In the field of historical writing John Ross is better known abroad than among present day Oklahomans. The Smithsonian Institution published accounts of his career in terms of highest praise. According to Mooney, the scholarly

writer of that institution, Ross went on a mission for the Indian Agent Return J. Meigs in 1809, to the Cherokees in Arkansas; and from that time until the close of his life, for more than 50 years he remained in the public service of his nation. At the Battle of the Horseshoe and in other operations of the Cherokee contingent against the Creeks in 1813-14, as adjutant of the Cherokee regiment, he served under Andrew Jackson. He was chosen a member of the national committee in 1817, and drafted the reply to the United States Commissioners who were sent to negotiate the exchange of the Cherokee lands for others west of the Mississippi. In the contest against the removal, his talents were constantly employed in defense of his people and country. As president of the national committee from 1819 to 1826, he was instrumental in the introduction of school and mechanical training. In 1827 he was associate chief with William Hicks, and was president of the convention that adopted the constitution, which was the first effort at a regular government with distinct branches and powers defined, ever made and carried into effect by any Indian tribe on this continent. Ross took the lead in the adoption of that constitution and the government built upon it.

From 1828 to 1839, until the emigration of the Cherokees, he was chief of the tribe. In 1839 the influence of John Ross was largely responsible for the new constitution adopted here under which the united tribe resumed the functions of government in this country. He was the first chief elected under the constitution, and served as such until his death in 1866, except for a short time when the functions of his office were suspended by the Civil War.

In the critical days of dissension in the tribe, when congress was seriously considering a bill espoused by the secretary of war looking to the permanent division of the Cherokee Nation, Ross's patient and stern opposition was largely responsible for defeating the measure and securing the enactment of the treaty of August, 1846, which settled many troublesome questions, and provided for the issuance of a patent conveying their lands to the tribe, under which they held until allotment. Two months later, observing the progress of the common school system inaugurated under his administration, he recommended in an executive message to the council the establishment of a male and a female seminary. This step was strongly favored by the Cherokee Council, as evidenced by an act providing for the construction of these schools. The next spring Chief Ross and the executive council selected sites, adopted plans and made contracts. Corner-stones were laid by the chief on June 21, 1847, and October 28, 1847, with appropriate ceremonies, in the presence of large gatherings of Cherokee people who were justly proud of this new evidence of progress. The buildings were subsequently erected and the schools were opened, the Male Seminary on May 6, 1851, and the Female the next day. And thus the schools that are to be celebrated here tomorrow are more directly connected with the vision, enterprise and wisdom of Chief John Ross than any other man.

From the resolution adopted by the Cherokees on the death of Ross, the following passages are quoted in the account by the Bureau of American Ethnology: From his first youthful service for his people for more than fifty years, he was in the constant service of his people, "furnishing an instance of confidence on their part and fidelity on his which has never been surpassed in the annals of history."

The summing up of the panegyric is a splendid tribute to a splendid manhood: "Blessed with a fine constitution and a vigorous mind, John Ross had the physical ability to follow the path of duty wherever it led. No danger appalled him. He never faltered in supporting what he believed to be right, but clung to it with a steadiness of purpose which alone could have sprung from the clearest convictions of rectitude. He never sacrificed the interests of his nation to expediency. He never lost sight of the welfare of the people. For them he labored daily for a long life, and upon them he bestowed his last expressed thoughts. A friend of law, he obeyed it; a friend of education, he faithfully encouraged schools throughout the country, and spent liberally his means in conferring it upon

others. Given to hospitality, none ever hungered around his door. A professor of the Christian religion, he practiced his precepts. His works are inseparable from the history of the Cherokee people for nearly a half a century, while his example in the daily walks of life will linger in the future and whisper words of hope, temperance and charity in the ears of posterity."

The chronicler for the Bureau of American Ethnology continues: "John Ross, now an old man, being at the time present in Washington on business for his people, died in that city on August 1, 1866, at the age of seventy-seven years, fifty-seven of which had been given to the service of his Nation. No finer panegyric was ever pronounced than the memorial resolution passed by the Cherokee Nation on learning of his death. Notwithstanding repeated efforts to subvert his authority, his people had remained steadfast in their fidelity to him, and he died, as he had lived for nearly forty years, the officially recognized chief of the Nation. With repeated opportunities to enrich himself at the expense of his tribe, he died a poor man. His body was brought back and interred in the territory of the Nation. In remembrance of the great chief, one of the nine districts of the Cherokee Nation had been called by his Indian name, Cooweescoowee."

RESOLVED: That as the Oklahoma Historical Society is dedicated to the correct recording and interpretation of the facts of history, and in the case of conspicuous public service, of making appropriate acknowledgement of such service, it is the sense of the members of the Society assembled at the seat of government where so much of the life of John Ross was spent, and where so many of his public services were performed, that the above remarks be spread upon the records of this meeting, to the end that the services of John Ross be recalled, and if possible be celebrated by some appropriate testimonial on the part of the public.

Dr. Foreman, having moved its adoption, his motion was seconded and carried.

The President reported as to the Spiro Mound project, that the work had been completed.

Dr. Grant Foreman moved that the President be authorized to take such steps as are necessary to provide museum cases for the material secured from the excavation of the Spiro Mound with use of necessary available funds for such purpose. Motion was seconded and carried.

Dr. Grant Foreman reported that the pamphlet regarding the history and various educational features of the Historical Society has been prepared and published and was ready for distribution.

Col. A. N. Leecraft moved that the report of Dr. Grant Foreman be received and that he be extended a vote of thanks for his services. Motion was seconded and carried.

Dr. Emma Estill-Harbour moved that a vote of thanks be extended to the President and Faculty of the College and the citizens and various clubs and agencies for the entertainment provided for this meeting. Motion was seconded and carried.

Dr. Grant Foreman reported on the Indian-Pioneer History project stating that the editing of the material would continue until July 1, 1938.

Colonel A. N. Leecraft moved that Dr. Foreman be authorized, as this material is bound at the expense of the society, to place a statement on the bookplate that this material was assembled through a Works Progress Administration project, the Oklahoma Historical Society and the Oklahoma University being sponsors. Motion was seconded and carried.

Dr. Grant Foreman reported on the restoration of the barracks and buildings at old Fort Gibson, and asked to be relieved therefrom except as to the stockade.

Judge Harry Campbell moved that a committee of five be appointed to supervise the maintenance of the barracks and buildings at Fort Gibson. Motion was seconded and carried.

The Secretary read the following resolution:

Be it resolved that the President of the Oklahoma Historical Society be authorized to appoint a committee of two with himself as ex officio member constituting a committee to work with the National Park Service and the State Planning Board officials in the preparation of a tentative plan for the preservation of historic sites in Oklahoma, which shall be included in the general State plan. This plan shall include recommendations for legislation, administration, and a survey of the problem of specific sites which should be acquired.

Judge Harry Campbell moved that the resolution be adopted. Motion was seconded and carried.

The Secretary read the following list of applicants for annual membership in the Society:

Hampton W. Anderson, Dallas, Texas; Waldo Joseph Bashaw, Tulsa; Hazel E. Beaty, Oklahoma City; C. E. Burlingame, Bartlesville; Mrs. Helen S. Carpenter, Shawnee; Mrs. Byron Cavnar, Hinton; Frank M. Colville, Alhambra, California; Ella M. Covell, Tahlequah; Mrs. Lillian P. Davis, Oklahoma City; Mrs. Adelaide DeSaussure, Oklahoma City; Frances Elizabeth Duke, Oklahoma City; B. H. Elliott, Tulsa; Frank F. Finney, Bartlesville; Mrs. Eula C. Froman, Weatherford; Mrs. Clarence A. Gwyn, Kingfisher; John J. Harrison, Holdenville; J. D. Hartzler, Partridge, Kansas; George DeWitt Holden, Arlington, Virginia; Mabel Davis Holt, Stillwater; Arthur B. Honnold, Tulsa; Mrs. Gilbert L. Hyroop, Oklahoma City; Thomas Ray Lankford, Britton; Harley E. Lee, Kansas City, Missouri; Mrs. Garnett R. Love, Denison, Texas; Robert Lee Lunsford, Cleveland; W. P. Neff, Miami; Henry J. Polk, Sweetwater, Texas; Vinnie Ream, Wapanucka; Carter Smith, Tulsa; W. A. Thompson, Tahlequah; Willis M. Timmons, Jr., Atlanta, Georgia; Jack Tuggle, Oklahoma City; Christian Adolph Vammen, Oaks; Dr. S. C. Venable, Tulsa; Fred G. Watts, Shawnee; Mrs. Sam Weir, Springfield, Missouri; Malcolm W. Williamson, Maysville; A. T. Winn, Oklahoma City.

Upon motion, duly seconded, they were elected to annual membership in the Society.

Dr. Grant Foreman moved that Dr. Herbert P. Gambrell be thanked for his excellent address and that it be published in the Chronicles and that his expenses for the trip be authorized and paid. Motion was seconded and carried.

Mr. John M. Wilson presented to the Society a unique frame that he had secured from the old John Ross place at Rossville, Georgia.

Judge Wm. P. Thompson moved that it be received, and the donor thanked. Motion was seconded and carried.

The meeting recessed subject to the call of the President.

A visit was paid to the Sequoyah memorial.

JAMES W. MOFFITT,
Secretary.

ROBERT L. WILLIAMS,
President.

MINUTES OF A SPECIAL MEETING OF THE OKLAHOMA HISTORICAL SOCIETY APRIL 26, 1938

Minutes of the dedicatory exercises at the Robert M. Jones cemetery near Hugo, Oklahoma, April 26, 1938, with the following members of the Board of Directors of the Oklahoma Historical Society present: Judge Robert L. Williams, President; Gen. William S. Key, Vice-President; Col. A. N. Leecraft, and James W. Moffitt, the Secretary. The meeting was opened with prayer by Rev. Ebenezer Hotchkin. Judge Robert L. Williams then delivered an address on the history of Robert M. Jones and of the steps leading to the preservation of his cemetery. Music was furnished by the Hugo band. The Masonic service was carried out at the laying of the corner stone and also at its dedication with John R. Abernathy, the Grand Master, and other Grand officers participating. The allegiance to the flag was also rendered. A list of the articles to be placed in the corner stone was read. The corner stone was then laid. The president of the Oklahoma Historical Society then presented Gen. William S. Key who addressed the gathering. Afterwards the president also introduced H. G. Hixon, Dr. G. E. Harris and also Mr. Harwood, area supervisor for the Works Progress Administration, who represented Mr. Ron Stephens, State Administrator of the Works Progress Administration. Harwood presented the corner stone to Judge Williams who in turn accepted it for the Oklahoma Historical Society. The president then introduced J. H. Randell of Denison, Texas, who represented the Randell family, his brother, the late G. G. Randell, having married the daughter of Robert M. Jones. Descendants by blood of Robert M. Jones were present, to-wit: The children and grandchildren of the late Robert M. Love of Shawnee-town and Clarksville, Texas, who was a grandson of Robert M. Jones. Judge Earl Welch of Antlers, of the State Supreme Court, was also there as were Judge Thomas W. Hunter, Hugo, County Judge of Choctaw County; the Hon. Victor Locke, a former chief of the Choctaw Nation, and Dr. W. B. Morrison of Durant. Judge Williams also presented the Hon. W. A. Durant who spoke for the Choctaw Nation during the exercises in a brief address. The president then introduced the Hon. Ben Carter, County Attorney of Bryan County and a son of the late Congressman Charles D. Carter, who spoke for the Chickasaws, he being a Chickasaw by blood. The president then introduced two aged Negroes, Ed Bailey and Andrew McAfee.

After a prayer, the benediction was given by Rev. E. B. Miller of Goodland and the meeting stood adjourned.

A large and interested crowd including members of the U. D. C. was given the opportunity to view the handsome corner stone and graveyard with the durable wall surrounding it. On the corner stone appears the Masonic emblem with the following inscription: "April 26, 1938, AL 4938," and also the following: "Robert M. Jones Memorial, Representative from the Choctaw Nation in the Congress of the Confederate States of America." With the names of the Committee representing the Oklahoma Historical Society, to-wit: "R. L. Williams, W. B. Morrison, A. N. Leecraft, G. E. Harris, W. A. Loftin," and also the name of W. S. Key, Works Progress Administrator, and H. G. Hixon, Engineer.

Robert L. Williams,
President, Presiding.

James W. Moffitt, Secretary.



MARCUS LAFAYETTE BUTLER, D. D.

NECROLOGY

REVEREND MARCUS LAFAYETTE BUTLER, D.D.
1860-1938

The Reverend Marcus LaFayette Butler, son of William Edward Butler, son of Thomas Paschal Butler, was a descendant of the famous Butlers of the House of Ormonde, noblemen, warriors, and conquerors.

Perhaps the most famous in the long line of the House of Ormonde was James Butler, Duke of Ormonde, prominent in the military and political affairs of Ireland and England during the reign of Charles I. After the execution of Charles I a little past two o'clock, January 30, 1649, James Butler remained in Ireland long enough to proclaim Charles II King of Britain and Ireland. He then quitted the country and remained in exile for a long time.

One of the younger sons of the House of Ormonde came to America, settled in Virginia and became the progenitor of the Butler family in the United States. These Virginia Butlers had the characteristics of their Irish ancestors. They were jovial, hospitable, brave, and intensely patriotic. They were sometimes referred to as the "fighting Butlers."

Every major war in which this country has fought has had a representative of the Butler family in it except the World War. M. L. Butler sought to enter that war since he had no son to offer but, of course, he was past the age to be accepted for that service.

Thomas Paschal Butler moved from Virginia to Oxford, Mississippi, in 1839. His son, William Edward Butler, the father of Marcus LaFayette Butler, was married to Miss Margaret White, at Oxford, in the year 1859. They had eight children, Marcus LaFayette being the eldest.

His mother was a native of North Carolina, born at Concord, a daughter of Samuel G. and Catherine Russell White, who came to the United States shortly before the birth of Margaret. Samuel G. White belonged to the McGregor Clan.

Marcus LaFayette Butler was born July 5th, 1860, at Oxford, Mississippi. His early childhood was spent amid the scenes of destruction and horror of the Civil War and the cruelties and injustices of the reconstruction days that followed. These made a deep impression upon his childish mind and planted in his young spirit a bitterness which took years of grace to efface. However, there was a different environment in old Mississippi for the young child.

His father's people were religious of the Baptist persuasion; his mother was a Presbyterian of the pure Scotch type, refined, cultured, and pious. She pointed his young mind toward the greater men of the day—L. Q. C. Lamar, Jacob Thompson, General Longstreet, and Drs. Waddell and Wheat, ministers of note. In his diary, Brother Butler recalls the influence of such men upon his young heart.

Thus the fundamental principles of virtue, honor, and integrity were planted in him as well as an inspiration toward greatness.

When he was twelve years of age his parents moved to Arkansas and settled on a farm near Fort Smith. They lived a quiet useful life rearing their family under such religious and social conditions that prevailed in that section during the pioneer days.

At fourteen years of age, on a September morn, he united with the Presbyterian Church. His grandfather, then eighty-two years of age, had never connected himself with the Church, but was so impressed with the services and the reception of his young grandson that on the afternoon of that day, he presented himself and was received into the membership of the Presbyterian Church.

Very early the mind of the young Butler turned toward the ministry. His father objected to his becoming a minister, preferring that he choose the law as a profession. With much diffidence, Marcus told his mother of his desire. She took him in her arms, saying, "Son, the day you were born, I dedicated you to God. You have my blessing." Thus, encouraged and comforted, he immediately began plans for securing an education.

Educational advantages were very limited and finances were very meager; he had to work his way through school. He entered Hendricks College and with sheer hard work laid the foundation for his ministerial life.

In the larger contacts of educational forces at the age of eighteen, he became somewhat confused in his religious thinking and found himself at variance with the doctrines of the church to which he belonged and drifting into atheism. "Just at this time," he wrote in an autobiography, "I came in contact with that peerless character, Reverend Doctor I. L. Burrow, of the Arkansas Conference, Methodist Episcopal Church, South. In that splendid way of his, he led me into the light and beauty of the Armenian theology. Soon I found myself securely founded upon the Rock of Ages. I transferred my membership from the Presbyterian to the Methodist Church. Soon thereafter, I was licensed to preach according to the Discipline of the Methodist Episcopal Church, South."

November 14, 1879, he was admitted on trial into the Arkansas Conference of the Methodist Episcopal Church, South. Bishop George F. Pierce was the President of the Conference. Butler was appointed to Van Buren Circuit.

The next year, Bishop Pierce, who was assigned to preside over the Indian Mission Conference, made an appeal for young men for work in the Indian Territory. Marcus LaFayette Butler responded and was transferred from the Arkansas Conference to the Indian Mission Conference which met at Fort Gibson, September 6th-10th, 1880. He was received in the Conference in the class of the first year. Other members received at the same time were Leonard Parker, Thomas Barnett, Rowland Brown, Moses Siya, Tecumseh Tyner, C. W. Myatt, John W. Bryan, and J. M. C. Hamilton, father of Mrs. John Randolph Frazier, of Oklahoma City.

M. L. Butler was appointed to Flint Circuit. This was quite a large order for the young man. The circuit was seventy-five miles long and thirty miles wide, comprising parts of the counties of Adair, Sequoyah, and Cherokee. The membership of the church at this time was composed largely of Cherokee Indians. There were some choice spirits on the charge, however, which greatly aided the young preacher. There was Aunt Nancy Adair, who had been received into the church by Reverend John B. McFerrin, D.D., when he was a missionary to the Cherokees in the Old Nation in East Tennessee. Uncle William Ghormley was always an inspiration to the preacher, and Judge Thompson Adair and several others. Among the preachers of the Conference at that time who were especially helpful to the young man were Young Ewing, the Presiding Elder, T. F. Brewer, E. R. Shapard, and J. F. Thompson. His associates among the Indian preachers were John Sevier, Gibson Grayson, Samuel Checote, and James McHenry. He served this charge two years. Thus, he began his long and useful ministry for the Church in Oklahoma.

His service record in outline follows:

Admitted on trial into the Arkansas Annual Conference, November 14th, 1879.

Transferred to the Indian Mission Conference in the class of the first year, September 6th, 1880.

Flint Circuit, 1880-1881.

Tahlequah and Fort Gibson, 1882-1883.

Tahlequah, 1884-1885.

Atoka and Caddo, 1886-1889.

Muskogee, 1890-1893.

Wynnewood, 1894-1895.

Vinita, 1896-1899.

Muskogee, 1900-1903.

Wynnewood, 1904.

Carlsbad, New Mexico, 1905, part of the year.

Redlands, California, 1905-1906.

Chickasha, Oklahoma, 1907-1910.

Okmulgee, 1911-1913.

Ardmore, 1914.

Educational Secretary for the East and West Oklahoma Conferences, 1915. Resigned as Educational Secretary in the midst of the year and appointed pastor at Norman.

Presiding Elder, Oklahoma City District, 1916-1919.

Presiding Elder, Lawton District, 1920-1921.

Vinita, 1922-1924.

Presiding Elder, Muskogee District, 1925-1928.

Bristow, 1929-1931.

Oklahoma Editor Southwestern Advocate, 1932-1933.

Superannuated at his own request November 10th, 1934.

This was a long service record, marked by initiative, zeal, fervor, self-denial, fortitude, effectiveness, evangelism, at times brilliancy and always faithfulness.

While serving his first pastorate in the Indian Territory he wooed and won the hand and heart of Helen Dougherty, a beautiful and consecrated young woman whose mother's people had been connected with the Presbyterian Missionary work among the Cherokees in the Old Nation. They were married at Van Buren, Arkansas, March 3, 1881. Throughout the entire years of service, she was his faithful companion, sharing the burdens of hardships of pioneer days, going with him to charges where the work was hard and the stipend small, with cheerful heart and never a word of complaint. Being a teacher by profession before she married, she betimes, during their married life, taught school to help meet the ever increasing high cost of living.

Three daughters came to bless their home. They are Mrs. Ralph E. Ellison, of Okmulgee, Mrs. E. P. Kilgore, of Oklahoma City, and Mrs. John L. Allen, of Okmulgee. The three daughters and their mother survive.

Dr. Butler gave spiritual aid and comfort to people of all classes and races during the political and social changes that were constantly taking place in the Indian Territory.

When he came to the Indian Territory, there was a large influx of white people into the Territory. This made important changes both for Church and State. The political and social life underwent constant change. The Five Civilized Tribes were gradually losing their status as separate national entities, and were being merged into one State under the government of the United States. This, of course, made necessary the finest type of statesmanship on the part of the political leaders of the time.

Brother Butler was in close council with many of those leaders and made his contribution to the successful merger of the several nations and to the building of the wholesome moral order for the whole.

His life, stretching as it did, over a long period of years, touched and was touched by many people. He numbered his friends by the hundreds. Among them were men of great influence in the State. He could claim as personal friends Colonel William P. Boudinot, Colonel William P. Ross, Senator Gullager, Congressman W. W. Hastings, and Senator Robert L. Owen. Among notable women who bore testimony to his genuine worth and helpfulness were Mrs. Elizabeth Bushyhead, wife of Chief Dennis Bushyhead, Mrs. G. B. Hester, mother-in-law of Senator Robert L. Owen, and Mrs. Mary Rogers, mother of Will Rogers.

Dr. Butler was interested in education. He himself was an educated man. While he did not finish his college career before he entered the ministry, a fact he always regretted, he nevertheless was a diligent student all of his life. He prepared his Conference courses regularly and met each examination at the bar of the Conference with credit to himself and to the Church. He studied his books while riding horseback on long journeys on the large circuits. After completing his Conference course, he took correspondence courses, spent time in summer schools and was a diligent student in his private library. He was interested in every effort made by State and Church for the betterment of education and served as Trustee for Spaulding College, Hargrove College, Willie Halsell College, and Oklahoma City University. The Hargrove College conferred upon him the honorary degree of Doctor of Divinity.

He was a very useful servant of God and faithful and valuable leader in the Church.

The Bishops of the Church regarded him as a careful administrator and good adviser. He numbered several of them among his close personal friends. In his early ministry were Bishop Duncan and Bishop Pierce; then came Bishops Hargrove, Hendrix, Galloway, Morrison, Hoss, Mouzon, Moore and A. Frank Smith. All of them gave him important assignments for work in Oklahoma.

For twenty-one years, Brother Butler served his Conference as Secretary, seventeen of them consecutively; he served on the Conference Board of Missions.

He was elected the first alternate delegate to the General Conference in 1902 and attended that Conference. He was principal delegate to the General Conference which met at Dallas, Texas, in 1930.

Brother Butler was the Chairman of the Oklahoma Conference Historical Society from the beginning of its organization until his death.

He never lost interest in the Indian work. His first circuit was composed largely of full-blood Cherokee Indians. During a large part of his ministry, the Indian Mission Conference held on to its Indian and missionary character. When the white people came into the Territory after the run of 1889 in such large numbers as to necessitate the change of both the Indian and missionary character of the Conference, giving it the status of a full Annual Conference predominantly for white people, and the setting aside of the Indian work as a separate Mission Conference, Dr. Butler retained all his interest in the Indian work, visited the Indian Mission Conference annually and held steadfastly to his large number of friends among the Indians. The Indians, in turn, deeply appreciated him and their love for him abides.

Among his last sermons, if not the very last sermon he preached, was one to the Indian Mission Conference which was held near Okmulgee in September, 1937. This sermon was heard by a large congregation of

Cherokee, Chickasaw, Choctaw, Creek, Seminole, Kiowa, and Comanche Indians, together with a large number of white preachers and laymen. Bishop A. Frank Smith, President of the Conference, was in the audience. The sermon was marked by enthusiasm, deep religious fervor, and missionary zeal, characteristic of all his sermons.

After his superannuation, he was still very active in religious matters. He taught a Sunday School Class for the Presbyterian Church in Okmulgee, preached frequently, and wrote for the Church papers. He attended the sessions of the Annual Conference and made helpful contributions to its business. He possessed great energy; he went about his work with a deep passion; he was a crusader for Christ from the beginning until the close of his ministry.

Dr. Butler served fifty-five years in active service in the ministry, fifty-three of them in Oklahoma. During the three years and a fraction of his retirement, it can not be said that he was inactive. He worked until the very last.

During his ministry, he assisted in building fifteen churches and seven parsonages; received more than five thousand people into the Church; married sixteen hundred and fifty couples and conducted twenty-six hundred funerals.

The time comes for us all to quit this world for another.

Dr. Butler went to the hospital on January 13th, 1938, critically ill with a heart disease, so critical that he was denied the visitation of even his closest friends. At five o'clock in the morning of February 22nd, 1938, his heart, weary after long years of toil and burdened with many sorrows other than his own, ceased to beat. His soul, cheered with precious memories and crowned with honor and glory, joined the immortals in heaven.

"Well done, thou good and faithful servant."

—Sidney Henry Babcock.

Oklahoma City, Oklahoma.

VIRGIL DURHAM 1867-1938

A number of Virgil Durham's friends recommended him for the O.E.A. distinguished service medal last fall, stating at the time that he had served the schools of Oklahoma for forty years. He had served in every capacity, from rural teacher to county superintendent, and during that time he had organized the consolidated school system of Hughes county and attached rural districts to Wetumka, Calvin, Dustin, Stuart, and to Allen graded schools. However, his friends were more interested in stating that Durham had been a friend to boys and girls throughout his long life, and that many prominent people in the state were formerly students of his, and owed their advancement to the timely advice and the inspiration he gave them.

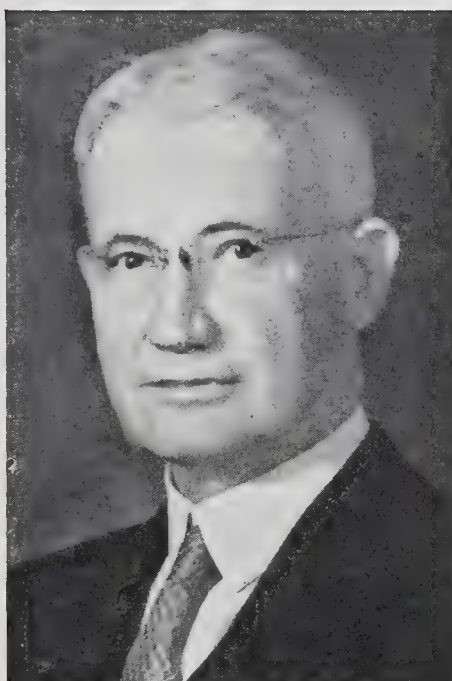
He died in Oklahoma City, March 27, 1938, at the home of his daughter. While in the schoolroom, a few days before, he was stricken with a heart ailment. He was just past 71 years of age. He first taught a rural school in Arkansas, later in Missouri, coming to the Shawnee schools in 1898. During his career he taught at Tecumseh, Wynnewood, Afton, Stuart, and many different consolidated schools in Hughes county. At the time of his death he was instructor in social science in the Holden-ville highschool. He held a Bachelor of Arts degree from the East Central State Teachers' College. He had been a member of the Oklahoma

Education Association since its organization and attended all meetings his health would permit. In school work he classed himself as a conservative.

School work did not claim his entire time. He had held various offices in the Masonic Lodge at Tecumseh and had been Worthy Patron of the Order of Eastern Star; also a member of the Chamber of Commerce and the Baptist church. Through all his busy active life he did not accumulate great wealth but continued to believe in the work of the public schools and the youth of America, and was cheerful and happy to the end.

—C. M. Howell.

Oklahoma Education Association.



VIRGIL H. DURHAM



MRS. FELIX J. KING

MRS. FELIX J. KING 1877-1937

On November 24, 1937, Mrs. Felix J. King, sixty years old, passed away at her home east of Ardmore, Oklahoma. She died suddenly from a heart attack.

Mrs. King was the wife of a long-time Southern Oklahoma dairyman and farmer. They were married in 1897, having both a civil and religious ceremony.

Requiem mass was read at 9 o'clock November 26th and she was buried in Rose Hill cemetery at Ardmore. The pallbearers were Dr. Walter Hardy, Paul Clarkson, E. E. Denton, L. A. Sprekelmeyer, E. E. Guilliot and Walter Colbert.

Surviving, in addition to her husband are nine children. They are Mrs. Charles S. Garland, Oklahoma City; Mrs. Thomas G. Sumonka, Tulsa; Mrs. Phinn W. Townsend, Duncan; Mrs. Gilmer A. Murphey, Oklahoma City; Mrs. Milton E. Holmberg, Bartlesville; Mrs. Leland Robertson, Healdton; Felix W. King, Corpus Christi, Texas; Justin King, Oklahoma City, and John B. King, Ardmore. Ten grandchildren and one sister, Mrs. W. F. Warren of Ardmore, also survive. A foster daughter, Sister Mildred, of Lockport, N. Y., also survives.

Mrs. King was born at Boyd's Oil Springs, 20 miles northeast of Ardmore, November 9, 1877, the daughter of Thomas and Sarah Jane Corbit Boyd. Her father came West from Mississippi at the time of the Chickasaw removal.

Left an orphan at an early age she attended the Lebanon Children's Home, St. Xavier's Academy, Denison, Texas, and St. Elizabeth's Convent at Purcell, Oklahoma. She was assistant postmistress at Berwyn in the Territorial days before her marriage.

Mrs. King was a woman of much talent and leadership, was active in many religious and civic organizations, and always gave generously of her time and talent to any worth while enterprise. Among the clubs of which she was a member were the Ryonis Club, the Minnie B. Home Demonstration Club, the Altar Society, the Catholic Daughters of America, and the Tifahaya Indian Club.

Mrs. King was largely responsible for the organization of the Tifahaya Indian Club, organized for the purpose of preserving the arts, language, and customs of the Indians. The In Memoriam of this club stated: "In the capacity of Advisor she rendered inestimable service to the Club and was beloved by every member. She served the Club for many years with loyalty and devotion. Her influence felt in all major decisions of the organization showed a clarity of thought, imagination and wisdom that never failed and that will continue to affect club standards for many years to come. With her talents for leadership and organization, Mrs. King combined the charm of manner, graciousness, and rare gift of friendship that endeared her to all and makes her loss a personal one."

The Daily Ardmoreite wrote this tribute to Mrs. Felix King.

"When requiem mass was read above the bier of Mrs. Felix King, Friday, the final chapter in the annals of a noble woman whose life had been a benediction to her family and to her legion of friends was written. It is given to few to traverse life's fitful pathway with its myriad of trials

and tribulations, and emerge with a smile and song as only she knew how to bestow upon a world beset by troubles.

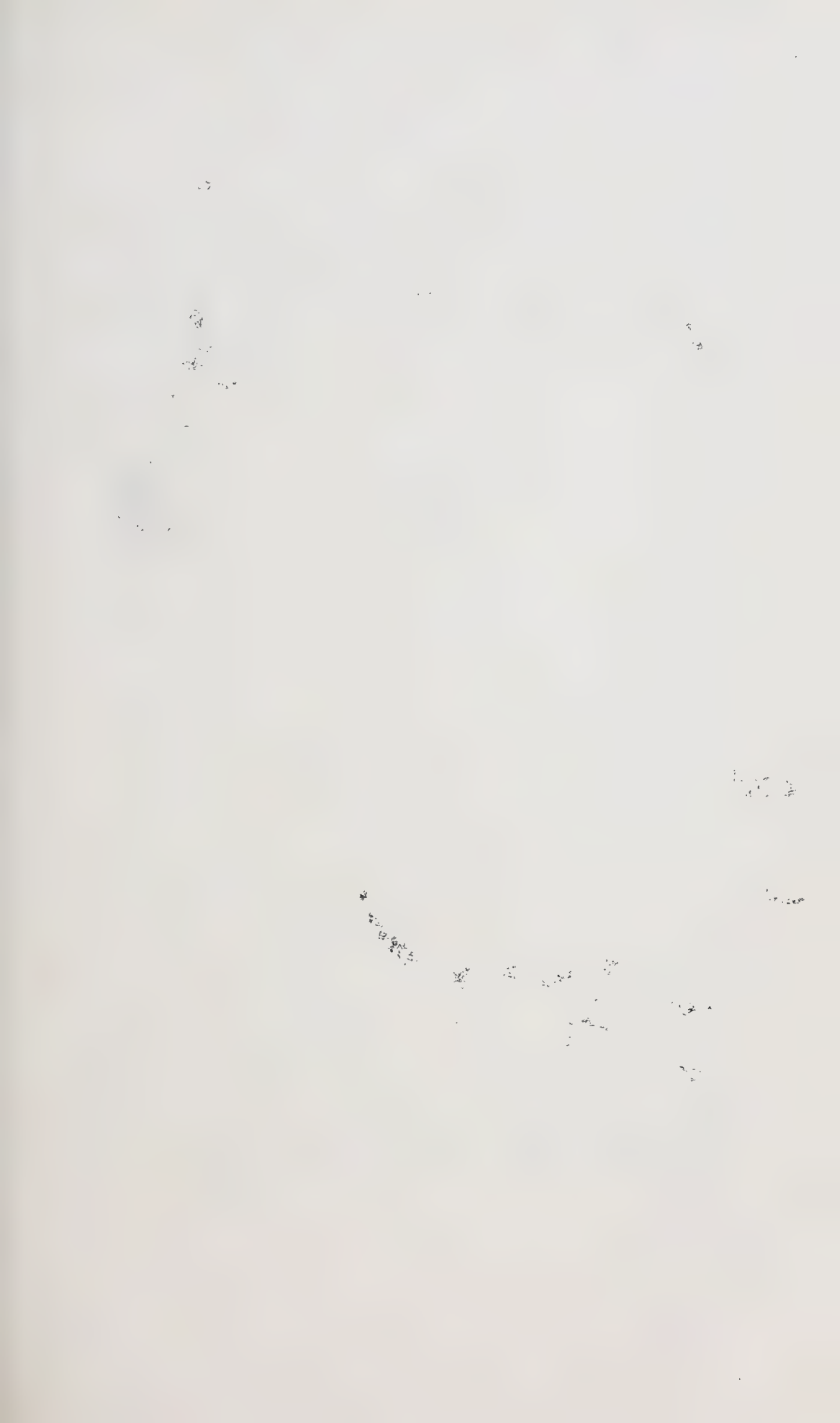
"Mrs. King was a pioneer in the truest sense of the word. She was aware of the struggles pioneers had to make, and the sacrifices they had to endure when this part of the state was emerging from chaos. She knew many not so fortunate as she needed aid and comfort, and it was in that sphere of work she shone like a glittering star. Mrs. King was ever mindful of others. She did not ask why; she only inquired how she could help to alleviate distress, and in so doing, asked not of race or creed. Mother of a large family, she never was too busy or too distressed to think of the circumstance of others, and her largess was as boundless as her love of mankind.

"When death summoned her, her husband and children suffered an irreparable loss, and the community one of its best known and best loved women. Always a leader, her life was devoted to making her home, city and community a better place in which to live. She had been closely identified with many organizations that required much of her time. She never complained, but bore her burden cheerfully.

"Ardmore mourns the passing of Mrs. King; she will be sadly missed by many poor and unfortunate people who were beneficiaries of her bounty. Sincerest sympathy of every citizen of Ardmore is extended to the bereaved husband and family, in their great loss."

—Marie Garland.

Oklahoma City, Oklahoma.





W. W. HASTINGS

W. W. HASTINGS

1866-1938

"Death loves a shining mark," and when the icy hand of death reaches out to gather its victim, it usually gathers in the best loved, the most useful, the most honored, and the one that is hardest to be spared. In this instance this rule has not been slighted, but your most useful and best loved citizen has been taken.

He was my life-long friend, reared on Beattie's Prairie, Delaware District, Cherokee Nation, now Delaware County, Oklahoma. Born in Arkansas on the 31st day of December, 1866. His father bought the old Benjamin Franklin Thompson farm, adjoining the farm on which I was reared, separated by a rail worm fence, when he was about three years old. We went to the old log school house, called the Beattie's Prairie Public School of the Cherokee Nation. As classmates and schoolmates we finished there and went to the old Male Seminary, where we were roommates, classmates and schoolmates until we graduated in June, 1884, with Hon. J. T. Parks. We both taught school one year, each having a public school of the Cherokee Nation. We then went to Vanderbilt University, Nashville, Tenn., where we were roommates and classmates, graduating in the Law Department in June, 1889. We returned to the Cherokee Nation and afterwards formed a partnership with E. C. Boudinot. Boudinot died, and the firm of Thompson and Hastings continued until the U. S. Government abolished the Courts of the Cherokee Nation. We dissolved and I went to Vinita and formed a partnership with Judge J. S. Davenport.

During this period Mr. Hastings held many positions of honor and trust in the old Cherokee Government. He was the representative of the Cherokee Nation at home and in Washington, D. C. He was Attorney General of the Cherokee Nation, Superintendent of Education and confidential adviser of the Chiefs of the Tribe.

After our dissolution he was Attorney for the Cherokee Nation in making up its final rolls, allotment of lands, and cases before the Court of Claims and the Supreme Court of the United States. He then was elected to Congress and remained there for nine terms, or 18 years consecutively, except one term he was defeated by Miss Alice Robertson of Muskogee, Oklahoma, the year of the Republican landslide in this state. He was re-elected the next term and held office until 1934, when he retired, on his own volition.

While in Congress he was looked up to as an authority not only of his own Cherokee Tribe and the others of the five tribes of Oklahoma, but of the Indians of the entire United States. He was an active member of the Committee on Indian Affairs, and of the Appropriations Committee of the House, which is the most important committee of that body. He was on several important commissions, one that went abroad and was considered one of the outstanding members of the lower house of Congress. He stood as an outstanding representative of his Tribe, of his State and Nation.

Mr. Hastings was successful in all of his undertakings. As a politician he was a decided success. As a business man, he was unexcelled. As a friend, he could not be surpassed. As a home man, husband and father, he stood at the top. If each person for whom he has done some loving act of kindness could offer one flower to his memory, his bier would rest under a mountain of flowers. His deeds of charity stand out in his life as a monument to his memory. His achievements in his acts in private, political, and home life are memorials to his greatness. You cannot go

up and down the streets of Tahlequah, his beloved home town, but you see buildings and institutions that he had a hand in bringing here and building for the advancement and improvement of his home and country. In 1896 Mr. Hastings married Lula Starr, who, with their three lovely daughters, survive. He belonged to the Masonic Lodge and its coordinate branches. He was affiliated with the Presbyterian Church.

He has gone from us. No longer shall we see that beloved form upon the streets of Tahlequah. No longer shall we hear that voice of his in defense of the downtrodden and oppressed. No longer shall we look forward to his donations to the charitable institutions of his country. No longer will he participate in the procurement of blessings to his people and nation. No longer shall I, his lifelong friend, enjoy the confidences of that friendship, but shall remember it to the end of time. No longer shall his family have the benefit of associations with him, and the advice and comfort that he gave them while here, except as a blessed memory. But he shall suffer no longer the pains and pangs of sickness and death. And as Longfellow said in his beautiful poem, "Hiawatha,"

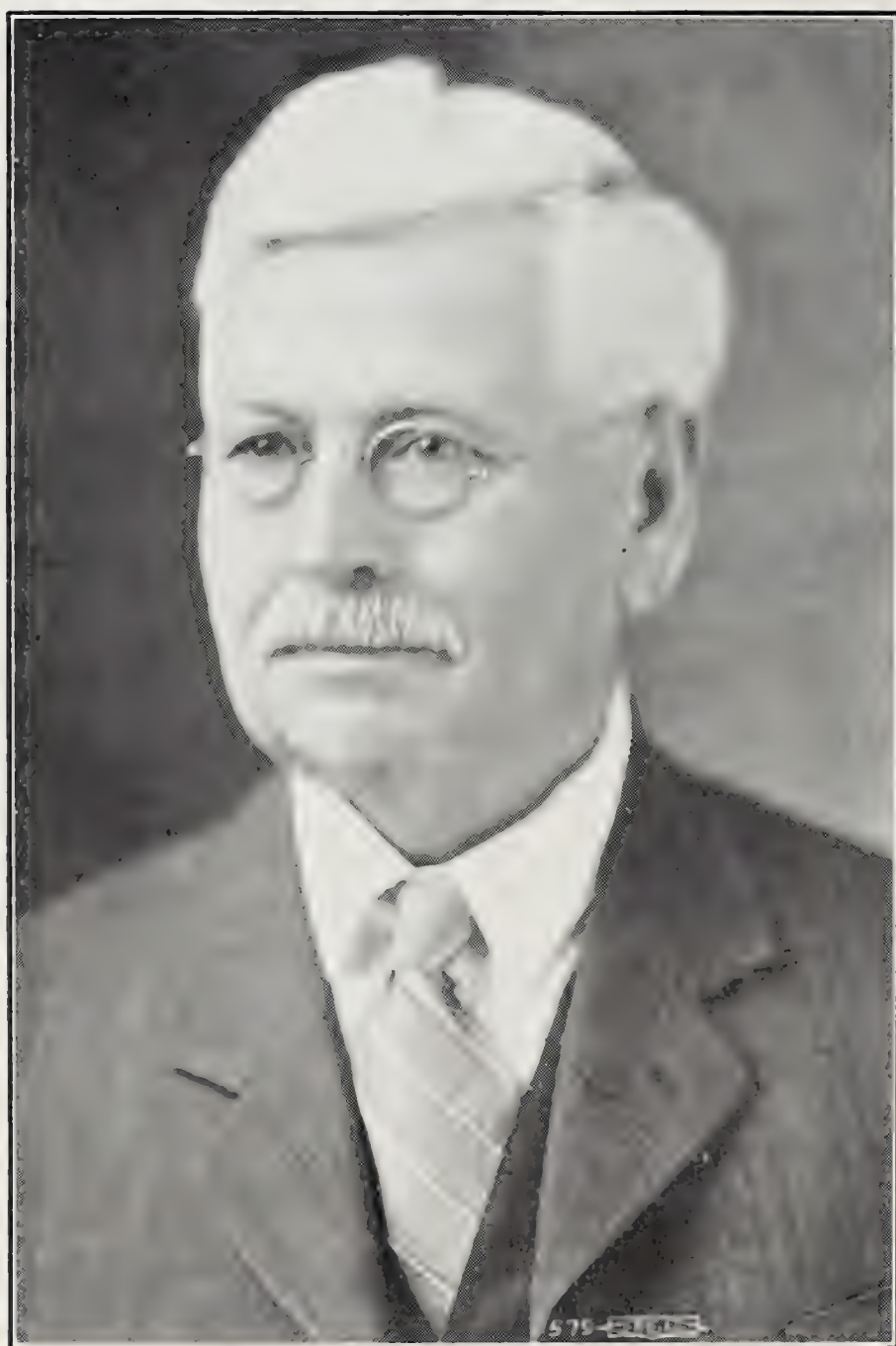
"Farewell, said he, Oh Minnehaha;
Farewell, Oh my Laughing Water.
All my heart lies buried with you;
All my heart goes onward with you.
Come not back again to labor,
Come not back again to suffer,
Where the famine and the fever
Wear the heart and waste the body.
Soon my task will be completed,
Soon your footsteps I will follow,
To the Islands of the Blessed,
To the Kingdom of Ponemah,
To the Land of the Hereafter."

I, as his lifelong friend, partner and associate, knowing him as I knew him, perhaps better than any other living man, will say for him, as a final tribute,—

"Few hearts so full of virtue warmed,
Few minds with wisdom so informed,
If there be another world, he lives in bliss.
If there is none, he made the best of this."

—William P. Thompson.

Oklahoma City, Oklahoma.



J. B. CAMPBELL

JOSHUA BUCHANAN CAMPBELL

1855-1937

Joshua Buchanan Campbell was born at Crawfordsville, Indiana, May 29, 1855 (where as a boy he was affectionately given the name of "Buck" by that stout old soldier, General Lew Wallace), and died at Enid, Oklahoma, June 25, 1937, aged 82 years and 27 days.

He was the youngest son of Elisha and Nancy Campbell. As a young lad he first moved with his parents to Illinois, thence to Iowa, where he learned the printer's trade in the office of the "Eagle" at Brooklyn, Iowa. He later moved to Nebraska, near Brownsville, and then to Northern Kansas where he was connected with newspapers at Alma, Frankfort, Wamego, Washington, and Haddam. In the spring of 1890 he came to Hennessey, and finally to Garfield County in 1900, taking over the "Oklahoma Hornet," which had been established a year or so previously by Bert Campbell.

He became a registered pharmacist, and as a life-long republican was always active in public life. He served as a postmaster in Kansas, a county officer of Kingfisher County, several terms in the legislature from Garfield County, and as register of the United States land office at Guthrie. He was a past-president of the Oklahoma Press Association, and its meeting at Chickasha in the spring of 1937 was the first meeting of that association he had missed for a period of approximately thirty years. He was also a life member of the Oklahoma Historical Society and of the Waukomis Masonic lodge.

In 1878 he married Carrie M. Kunz at Waterville, Kansas. Six children were born to that happy union, of whom Bert Campbell and Mrs. Flossie Wilson of Waukomis; Ralph Campbell of Minneapolis, Minnesota; Frank Campbell of Lubbock, Texas, and Mrs. Bernice Hughes of Henryetta, Oklahoma, survive. A daughter, Docey, died at the age of three years. Mrs. Campbell died in Waukomis, June 7, 1925.

He typified an order that is fast passing into memory. Within a month of his death, he said:

"The happiest days of my early life were when I was the editor of a dinky country newspaper in a scattered village with only the crudest equipment—an Army press, a jobber that worked by a lever, enough body type to set one page of a six column folio, a piece of tin on a table for an imposing stone, and a dry goods box for an office desk. The whole outfit cost less than \$100 and if it had cost more I wouldn't have been able to have it."

How quaint and warm the picture as he proceeds:

"The Mrs. inked the type, folded the papers and looked after the mailing of the paper in those days, while I did the rest of the work, acting in all capacities from office devil to editor and publisher.

"Most of our subscribers were country people and practically all of them took the paper and paid their subscriptions in products from the farm. And they paid generously—butter, eggs, chickens, all kinds of vegetables and fruits in season. In the fall at butchering time we were overloaded with spare ribs, sausage, head cheese and ham. Wood was another item of barter, and oats, corn and hay for our horse was always in the barn. We even traded advertising for the things that were not brought in on subscription—lived like princes.

"Although we didn't have much money, we didn't need much. About all the cash requirements were for paper, postage and taxes, and they were nominal. The cash subscriptions, job work, an occasional legal

notice and the announcement fees from candidates took care of these and left a little surplus.

"In fact, in a few years we were able to build a small home, doing most of the work for ourselves, and to us it was a castle! We (he always smilingly included Mrs. Campbell, "a good wife and an inspiration," in telling of those early struggles)—we added to our equipment, too, until we had a pretty fair country printing shop, a rotary jobber, plenty of type and a Prouty press."

And with what a kindly twinkle in his eye, he recalled:

"The country editor was a leader in all civic affairs, presided at public gatherings, introduced the celebrities that come to town, took an active part in church affairs, led the grand march at the dances, was head of the debating society, sang in the church choir, passed the contribution plate, taught a class in Sunday school, was consulted freely on all matters pertaining to the welfare of the Community, attended the weddings and funerals, spread the news of births, deaths and marriages; had a good word of encouragement for all. Always a booster.

"There is another institution of those days that warms the cockles of the heart—the country dinners, which occurred quite often. One of the pleasantest things that I know of was those dinners. The men folk would quaff beer and play penny ante in the barn while the women folk would be getting up a dinner that would fairly put one in the hay.

"—and when we wanted to go fishing or off on a trip, all we had to do was close the door—no locks—and hike out with no fears that someone would confiscate our business while we were away."

With tolerant mind and the mellow philosophy of more than eighty years, his last observation was, "If I had it all to do over again I wouldn't publish a partisan paper any more than I would attempt to operate a partisan bank or mercantile store. In reading my paper you would never know my religion, my politics, or my enemies."

His many years of faithful discharge of every obligation entrusted to his care, his unfailing loyalty and honesty, his true Americanism and his unsullied character, mark him a monument which will endure.

May his soul rest in everlasting peace.

—Harry O. Glasser.

Enid, Oklahoma.

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COLONEL A. W. EVANS' CHRISTMAS DAY INDIAN FIGHT (1868)

Edited by
C. C. Rister.

At the end of the Civil War the western border was in great turmoil. Such events as the Chivington massacre, "Kit" Carson's attack on the Comanche and Kiowa encamped on the Canadian, and the destruction of Indian property in Oklahoma by white invaders had greatly embittered the red men. Moreover, men released from the Union and Confederate armies now swarmed over the prairies seeking homes; and hunting parties, great and small, recklessly slaughtered the buffalo. When Indian resentment found expression in destructive raids along the frontiers of Colorado, Kansas, and Texas, the federal government in October, 1865, called the marauders to a council on the Little Arkansas River.¹ But only a few months after an agreement was effected the treaty bands were told that it was not binding; the Arapaho and Cheyenne were not to be given a promised reservation on the Cimarron, and the Comanche and Kiowa (and a small band of Kataka) must surrender their vast range south of the Arkansas for a much smaller holding in the Indian Territory. The angry Indians resumed their raids with renewed fury, and from the Arkansas to the Rio Grande the border settlements were laid waste.

At this juncture Congress on July 30, 1867, created a peace commission to go among all the disturbed bands of the West.² The

¹ C. J. Kappler, ed., *Indian Affairs, Laws and Treaties* (Washington, 1903, 3 vols.), II, 891, 892.

² Since Lieutenant General W. T. Sherman was to command the Division of the Missouri he was given a place on the commission. Other army men were Major Generals William S. Harney, A. H. Terry, and C. C. Augur. To counterbalance the influence of these, N. G. Taylor, Commissioner of Indian Affairs, Senator John B. Henderson, S. F. Tappan, and John B. Sanborn were also appointed. For a report of the commission see *House Executive Documents*, No. 97, 40 Cong., 2 sess.

Commissioners were to work toward three objectives: (1) to promote in every way possible the building of western railways and the occupation of the border; (2) to remove, if possible, the causes of Indian wars; and (3) to initiate a program that would improve the economic welfare of the Indians. And by peaceful assurances and the distribution of food and clothing among the Indians they were to promote peace and good will. It is not difficult to see why the Indians received the commissioners coldly. Why should they accept their peaceful assurances—although they were willing enough to receive their presents? Had not assurances been given them in the past? This must be the prelude to new demands! Perhaps lands!

The commissioners concluded treaties with the major southern plains bands at Medicine Lodge, Kansas, in October, 1867. The Comanche and Kiowa must accept a reservation between the ninety-eighth meridian and the North Fork of the Red River, and the Cheyenne and Arapaho another north of them.³ All must give up their roving habits and accept government subsistence until they could provide for themselves; and to this end the government was to teach them how to farm, to provide seed, tools, and other needful things. In short, they must now "walk on the white man's road."

Not all the bands of the several tribes had representatives at the council. The Indians offered this as a reason for not adhering to the treaty. The old men might make a treaty with their white enemies, but the young warriors and the non-treaty chiefs were not bound by their agreement! They would continue to steal horses and mules and trade these to the *Comancheros* (and white traders of Kansas and Texas)! So the Texas frontier was devastated with little interruption, and the Kansas settlers were to experience renewed Cheyenne and Arapaho raids, beginning in September, 1868. The "peace policy" had not fared so well in this quarter; another must be substituted.⁴

³ Kappler, *op. cit.*, 977-978.

⁴ Accounts of contemporaries give a graphic picture of widespread devastations. As to Texas depredations, see letter of Philip McCusker to Thomas Murphy, February 4, 1868, MS., in "Upper Arkansas Agency," Indian Bureau file, Washington. The *Annual Report* (pamphlet) of the Adjutant General of the State of Kansas,

General P. H. Sheridan arrived at Fort Leavenworth, Kansas, in March, 1868, to take active command of the Department of the Missouri. In order to understand better the various aspects of his problem, he traveled first to Fort Larned, near which, on Pawnee and Walnut creeks, most of the bands warring on Kansas had pitched their lodges; and when the clamorous Indians thronged his tent demanding "talks," he then moved on to Fort Hays, where later he established his headquarters. It did not take Sheridan long to come to the conclusion that a "peace policy" was impractical in solving his border problem. The Indians must first be taught to respect the power of the white man; then, perhaps, more peaceful means could be employed. Border turmoil caused him to lay hasty plans for the present.

In the evolution of his policy Sheridan must take into consideration certain facts. First, the tribes with whom he must deal were nomadic. Their camps were scattered over the prairies from the North Platte to the Rio Grande, each of which might be moved again and again in a single season. Second, so long as the warriors could subsist their ponies on the luxuriant grass they could move swiftly from one point to another. Also during the spring and summer seasons wild game was abundant on the prairies, and the Indians' commissary was adequate. But winter would bring a change. At this season the roving bands had favorite camping sites where they and their herds could find a measure of protection against the fierce blizzard. Now their ponies were poor and too weak to permit of much travel. And now they must subsist on their winter stores of jerked meat and what little game they could find in the copses of timber along the streams.

These habits of the nomadic red men made Sheridan's problem fairly simple to solve. Until the ground was covered with snow it would be folly for him to attempt to hunt down the many small warring bands and inflict punishment on each. But with the approach of winter they would assemble in large camps here and

1868, reveals in detail the Cheyenne and Arapaho raids along the border of that state. Also a similar condition is revealed in Colorado by Acting Governor Frank Hall in his letter to Lieutenant General W. T. Sherman of September 3, 1868. MS., in volume captioned "August 31 to December 22, 1868," 3196-3204, Sherman Papers, Division of Manuscripts, Library of Congress, Washington.

there. Then he could have a better chance of success. Heretofore the Indians had regarded themselves as secure in their winter retreats. Campaigning at this season, they thought, was impossible. During the fall months Sheridan proposed so to distribute his cavalry at border posts that he could answer distress calls of the exposed settlements reasonably early and anticipate forays wherever that was possible. If he could prevent general devastation of the border during this period the first part of his problem would be solved. After the arrival of winter he proposed to lead his troops far within the Indian country, hunt out and destroy the hidden camps of those who had refused to go on their reservations, and punish severely the refractory leaders. But those who accepted the terms of the Medicine Lodge agreement and refrained from hostility toward the white settlements would be shown every consideration. He had little to offer pillagers and murderers! He proposed to substitute the unique plan of "punishment should always follow crime" for the commissioners' "peace policy." As he saw it, Eastern philanthropists would employ a policy of moral suasion in dealing with savages, while at the same time it was necessary for the state and nation to use the most stringent laws in governing a civilized people.⁵

When Sheridan's proposal was made known experienced Westerners sought to dissuade him. Venerable Jim Bridger traveled from St. Louis to Fort Hays to point out to the department commander the folly of such a course.⁶ If the nomads, accustomed to climatic changes and seasonal peculiarities, would not attempt war operations during the winter, how could white soldiers expect to succeed? Indeed a blizzard might visit the Indian country at any time during this period. His entire army might perish! Sheridan seemed disturbed by these prophecies, but he was not deterred. He collected supplies at strategic points, equipped his men with warm blankets and winter clothing, and made ready for his venture.⁷

⁵ Sheridan to Averill, January 23, 1874, MS., in Letter Box, 1874, I, Sheridan Papers, *ibid.*

⁶ *Personal Memoirs of P. H. Sheridan* (New York, 1904, 2 vols.), II, 307.

⁷ *Ibid.*

Meanwhile General W. B. Hazen, Superintendent of the Southern Department,⁸ sought to contact the leaders of all bands to tell them that Sheridan would not harm those who ceased warfare and accepted their reservations. Sheridan also held conferences with notable chiefs and sought to use them as messengers to more warlike leaders. He distributed blankets, coffee, bacon, sugar, and flour as a friendly gesture, and told the recipients that other distributions would be made from time to time if they would peacefully settle on their reservations. But he proposed to destroy those who would not!

In the vast desolate region in which the troops were to be employed, there were more than five thousand hostile warriors in relatively small bands, hidden here and there in their favorite retreats. To accomplish his task, therefore, Sheridan felt that he must have a considerable force. He was glad to accept the Nineteenth Kansas Volunteer Cavalry offered him by Governor S. J. Crawford. In addition, he planned to use eleven troops of the Seventh Cavalry, under the command of Colonel George A. Custer, and a battalion of five companies of infantry under Brevet Major John H. Page. Colonel Alfred Sully was to rendezvous these and establish a supply depot about one hundred miles south of Fort Dodge, within northwestern Indian Territory.⁹

In conjunction with this force, two others were to penetrate the Indian Territory. One, composed of six troops of the Third Cavalry and two companies of infantry, under Colonel A. W. Evans, was to advance from Fort Bascom, New Mexico, *via* the

⁸ The act of Congress creating the peace commission also set aside \$500,000 to be expended by General Sherman "in carrying out treaty stipulations, making and preparing homes, furnishing provisions, tools, and farming utensils, and furnishing food for such bands of Indians with which treaties have been made. . . ." On August 10, 1868, Sherman created two administrative districts of his command. The first embraced all the country west of the Missouri River, within the Sioux country, and was put under the control of General Harney. The second was bounded on the east by Arkansas, on the south by Texas, on the north by Kansas, and on the west by the one hundredth meridian, and was put under the command of General Hazen. Each officer was allowed a liberal part of the appropriation for his wards. For the apportionment of the fund, see Sanborn to Sherman, July 27, 1867, XXIII, 3164, MS., in Sherman Papers, *loc. cit.*

⁹ Details concerning Sheridan's preparations and his use of troops are found in his annual report for 1868, MS., in Old Files Section, A. G. O., War Department, Washington.

Canadian Valley. The other, consisting of seven troops of the Fifth Cavalry, commanded by Brevet Brigadier General Eugene A. Carr, was to start from Fort Lyon, Colorado, and move toward the south. These converging forces were to drive in toward Fort Cobb, or destroy, any straggling bands found prowling through the country west of the Sully-Sheridan main line of march from Fort Dodge to Camp Supply (or a point where the supply post was to be established). Moreover, Carr's force was to be joined by five troops of cavalry under Brevet Brigadier General W. H. Penrose, already in the field southwest of Fort Lyon. To work with the greatest measure of freedom, Evans was to establish a depot of supply near the mouth of Monument Creek, and Carr would set up another at a site farther north. By such a disposal the hostile Indians would find themselves encircled by blue-coated troops.

The story of Sheridan's campaign is found elsewhere.¹⁰ During the month of November, Sully and Custer established Camp Supply, and from there the latter moved down the Washita toward Black Kettle's village (and others located below it). But it is not purposed here to describe the battle of the Washita which followed, nor Sheridan's advance to Fort Cobb, nor the series of conferences which he held with hostile chiefs, for each constitutes a separate historical problem and would require a full narrative. But the Evans expedition from New Mexico has generally been neglected, and, perhaps, because it was overshadowed by the more sensational Custer affair. Yet the New Mexican troops succeeded in contacting and defeating a large camp of Comanches, after a long march across the snow-covered prairies while the temperature hovered about zero. Evans' report of this campaign is full and interesting, and needs no embellishment. It is the most exhaustive made by the field commanders, and is given herewith without abridgment.

* * * * *

¹⁰ Contemporary accounts of the winter campaign are quite full. Two printed works are interesting: George A. Custer, *Life on the Plains and Personal Experiences with Indians* (New York, 1876), chaps. xv and xvi; and De B. Randolph Keim, *Sheridan's Troopers on the Border* (Philadelphia, 1885). Custer's manuscript report is found in the Old Files Section, A. G. O., War Department, in papers listed as "3863—M—A.G.O., 1869." Sheridan's report is in "Operations, IV," 409-425, Sheridan Papers. Both reports are also found in *Senate Executive Documents*, No. 18, 40 Cong., 3 sess.

Report of the Canadian River Expedition, [page no. 535]¹¹

Brevet Lieutenant Colonel A. W. Evans, 3d Cavalry, Commanding.
Headquarters Canadian River Expedition,
Monument Creek Depot, Texas.
January 23d, 1869.

Acting Assistant Adjutant General,
Headquarters, District of New Mexico.

Major:

I have the honor to present the following report of the Expedition¹² under my command, consisting of Companies "A," "C," "D," "F," "G," and "I," 3d U. S. Cavalry, and Companies "H" and "I," 37th U. S. Infantry, which had its rendezvous at Fort Bascom, N. M., its line of march down the Canadian River, and its object a coöperation in the general campaign against the hostile Indians of the Plains. My written instructions were liberal, and left sufficient freedom of action, the general directions being that I should proceed down the Canadian as far as possible, and attack all Indians met.

The order placing me in charge gave me also Command of the Post of Fort Bascom,¹³ of which [page No. 536] the garrison consisted of Company "D," 3d Cavalry, and "F," 37th Infantry. The Expedition was to be further augmented by a band of friendly Ute and Apache Indians, to consist, as was supposed, of some two hundred (200) warriors. Before proceeding to Fort Bascom I visited Fort Union Depot,¹⁴ in company with Lieutenant Ed. Hunter, 12th Infantry, A. A. A. G. of the district, who had volunteered for the Expedition, and now assigned to duty with it as Adjutant, with a view to arranging the forwarding of supplies; among other things procured and sent forward from the Arsenal there one twelve (12) pound Mountain Howitzer (the only one in proper condition), with its ammunition, and a quantity of small arms cartridges. This was in addition to what the several companies were supposed to bring with them from their Posts, but of which their supply was found to be insufficient. I assumed command of Fort Bascom and of the Expedition on the 5th of November, and found the Post occupied by a detachment of fifty (50) men of Company "F," 37th Infantry, under 2nd Lieutenant J. K. Sullivan, 37th Infantry, the only officer. Company "F," 3d Cavalry, under Lieutenant H. B. Cushing, 3d

¹¹ Evans' report is copied from a manuscript volume of the Sheridan Papers, titled "Operations, IV." Pagination found in brackets is that employed in the volume from which the report is taken. The original report is found in the Old Files Section, A.G.O., War Department (1869).

¹² It will be observed that capitalization is used immoderately throughout the report.

¹³ Fort Bascom was about forty miles southeast of Las Vegas, on a small tributary of the South Canadian.

¹⁴ Fort Union was about fifty miles east of Santa Fe.

Cavalry, was encamped about one (1) mile below. It left Fort Stanton on the 24th of October, and was the only Company ordered to the Expedition to arrive before me. On the same day with myself arrived, however, Company "I," 3d Cavalry, Brevet Major E. W. Tarlton, 3d Cavalry, Commanding, which [page No. 536] left Fort Union on October 29th, and Company "A," 3d Cavalry, Captain William Hawley, 3d Cavalry, Commanding, which left Cimarron on October 25th and Fort Union on October 29th. With them came Acting Assistant Surgeon J. K. Longwell, the Medical officer of the Expedition. I found also at the Post between eighty (80) and one hundred (100) Utes and Apaches, who had been rationed, armed, and clothed at Fort Union, and permitted to come down under their own guidance with no responsible person in charge. Many of them had turned back to Maxwell's,¹⁵ after drawing their supplies at Union, and those who came on seemed to be dissatisfied that the Expedition did not start at once. Major Morris, 37th Infantry, with Companies "C," "D," and "G," 3d Cavalry, and a part of Company "F," 37th Infantry, all mounted, and two (2) Mountain Howitzers, was [were] below on a thirty (30) days scout with pack mules, and had not been heard from for several weeks. An express was at once sent to search for his command, to hurry it back to the Post. An attempt was made to persuade some of the Indians to accompany the Express, but after a good deal of talk they declined going, and two (2) soldiers and a Mexican were sent. They returned however in a few days, unsuccessful, with, as was afterwards ascertained, a false report as to the distance they had proceeded. I also dispatched scouts to overtake a party of Pueblo [page No. 538] Indians of Isleta, reported to have gone down the Fort Smith road after Buffalo, to warn them not to go in advance of the Expedition; but these messengers also returned unsuccessful.

Major Morris, with his command, arrived back at the Post on November 9th, his animals wearied, and his pack mules much broken down and out of order. On the same day arrived Captain Gageby's Company "I," 37th Infantry, from Fort Stanton, from which place it started on October 28th.

A battery of four 12-pounder Mountain Howitzers was organized, of two (2) pieces found at the Post, and the two (2) brought back by Major Morris, and placed under the Command of Lieutenant Sullivan. Mules were employed for the draught, four (4) to the piece and two to the Caisson, and the Battery manned by a detachment of twenty (20) men of Captain Ewer's Company, "D," 37th Infantry, from Fort Sumner,¹⁶ and by details of men who had served in the Artillery, from the different Companies of the Com-

¹⁵ Maxwell's Ranch was approximately forty miles east of Taos.

¹⁶ Fort Sumner was on the Pecos River more than fifty miles south of Fort Bascom.

mand. It was served with an average of one hundred (100) rounds of Spherical case shot, shell, and canister, and Lieutenant Sullivan showed great zeal and energy in fitting its material, perfecting its organization and drilling his men.

While arranging the details of the Expedition, its supplies were very slowly arriving from Union and elsewhere. Captain Deane Monahan, [page No. 539] 3d Cavalry, who had come down with Company "A," was placed temporarily in charge of Quartermaster's and Commissary Departments, receiving and unloading the trains as they came in. Upon the return of Major Morris' Command, Captain Monahan took charge of his Company, "G," 3d Cavalry, and 2nd Lieutenant A. H. von Luettwitz, 3d Cavalry, A.A.Q.M. and A.C.S., of Fort Bascom, who had been out with the scout, was appointed to the same positions in this Expedition.

The oats delivered upon contract by citizen train were found of inferior quality and much adulterated, requiring the rejection of a considerable quantity. Another contract train bringing supplies broken down and partly unloaded on the road, upon hearing which I despatched Government wagons to bring in the load. This consisted in great part of the Bacon for the Expedition, none of which [was] considered an indispensable article, and for which everything was delayed, arrived until November 17th. This resulted from Berg's sub-contracting.

The train of Wagon Master Anderson, consisting of twenty (20) wagons, had been placed subject to my orders at Fort Union. Part of it was used in bringing Companies "A" and "I," 3d Cavalry, to Bascom. The wagons belonging to that Post, with those from Fort Stanton, and one that brought medical stores from Santa Fé, gave eleven (11) more. A very simple calculation showed that this transportation was inadequate for the [page No. 540] rations and a sufficient supply of forage. The train of Wagon Master Harper, consisting of sixteen (16) wagons, which had been sent to carry corn between Forts Sumner and Bascom, was therefore seized for the use of the Expedition, and was subsequently formally turned over to me by direction of District Headquarters. These forty seven (47) wagons were all that were used to convey the Expedition down the River. In addition were one (1) blacksmith's forge, and three (3) Ambulances for Hospital use,—two (2) brought from Fort Union, and one (1), the spring wagon, belonging to Fort Bascom. With these means, we were enabled to start with sixty (60) days rations,—twenty issued to the Companies, and forty (40) carried in the train. Three hundred (300) head of beef cattle had been received for the use of the Command, before my arrival, from Mr. Patterson, the general Contractor for the District, and were driven along, Mr. Patterson furnishing two (2) men to butcher and help drive them with a light wagon for their use.

But it was still evident that sufficient forage for the animals for any length of time could not be carried in the rain, and recourse was had to the hire of citizen wagons. All that seemed available was an ox-train of ten (10) wagons belonging to Mr. Stapp, the Post Trader, for which the price of \$1.95 per 100 lbs. per 100 miles was demanded, and refused by me. I subsequently [page No. 541] directed a written contract to be made with Mr. Gorham, Patterson's Agent, for ox-teams, at \$1.60 per 100 lbs. per 100 miles, the cheapest rate at which I could effect the arrangement, two (2) trains of ten (10) wagons each, to be furnished, the first (consisting of the identical teams of Mr. Stapp), to start about the time of the Expedition and, as I was verbally assured, to keep along with it,—the second to start about November 25th. These ox-trains were a cause of great delay and annoyance. The first did not keep with the Command, and its effect will be subsequently related; the second did not start until a month later than the time agreed, and its freight was not made available to the Expedition until the middle of January, after the return from the Indian nation. The total amount of forage conveyed by Gorham was 11,500 lbs. of corn, and 40,600 lbs. of oats by his first train; and by his second train 60,500 lbs. of corn. The first of these trains did not start until after the Expedition, and escorts were provided for them from Captain A. B. Carpenter's Company, "H," 37th Infantry,—which arrived at Bascom a day or two after we left,—at the rate of twenty (20) men to each train.

The plan of Campaign contemplated the establishment of a sub-depot from which scouts should be made with pack mules. Under authority given at Fort Union, twenty (20) citizen packers, chiefly Mexicans, [page No. 542] had been hired, and a pack train was organized as far as possible. Some of the Companies, "A" and "I," 3d Cavalry, for instance, brought extra pack mules and equipments with them. Those from Fort Stanton brought only the mules and their wagons, with pack saddles extra. Of the seventy-five (75) pack mules taken out by Major Morris, the larger part was returned with very sore backs, and twelve of them were left at the Post as utterly unserviceable. Nine (9) were driven along, in hope that they might recuperate sufficiently to be of some use, and some thirty (30) odd were taken in teams. All other mules taken along were used for draught or saddle purposes until the arrival at the sub-depot, and the pack saddles and equipments, (some hundred in number) not otherwise carried, were loaded in the train.

Five (5) Americans were employed as scouts and four (4) Mexicans as guides, including those that were out with Major Morris. Care was taken to select the best men possible, but it was found that the Expedition went beyond the knowledge of any of them.

Several days before starting, the friendly Indians had disappeared from the Post, having been authorized and advised to go over on Ute Creek to hunt. It was ascertained however, upon setting out that they had all returned to Cimarron. [page No. 543] I thereupon dispatched an Express to that place to inform them that we had started, and inviting them to join us, and three (3) letters were written to that effect by different officers to Mr. L. B. Maxwell, who was supposed to have the most influence with them. The Express rejoined us on the road, when we were encamped at Canada Bonito, with the information that the Indians had scattered, and could not be got to return. An important part of the Expedition, or what was expected to be so, thus failed entirely, to my regret; for, though these people are difficult and troublesome to control, had they been once gotten within reach of the enemy there would doubtless have been a more successful issue to the campaign. The Indians were armed and clothed by the government, and received extra rations, and upon their return to the Cimarron their annual presents, besides carrying off their arms.

The Expedition started from Fort Bascom on November 18th, immediately after the arrival of the bacon, and consisted as follows:

Co. "A,"	3d Cavalry,	1 Officer,	48 Enlisted Men,—	52 horses
" "C,"	3d Cavalry,	1 Officer,	54 Enlisted Men,—	63 "
" "D,"	3d Cavalry,	1 Officer,	54 Enlisted Men,—	55 "
" "G,"	3d Cavalry,	2 Officers,	59 Enlisted Men,—	67 "
" "F,"	3d Cavalry,	1 Officer,	45 Enlisted Men,—	47 "
" "I,"	3d Cavalry,	2 Officers,	47 Enlisted Men,—	40 "
" "I,"	37th Infantry,	2 Officers,	61 Enlisted Men,—	

Detachment of Co. "F," 37th Inf'ty, attached to Co. "I"—32 Enlisted Men. [page No. 544]

Battery of 4 Mountain Howitzers,—1 Officer, 42 Enlisted men, 5 horses, and 27 mules.

Seventy-two (72) citizen employees started with the Expedition, of whom nine (9) were scouts and guides, and twenty (20) packers.

Lieutenant G. W. Craddlebaugh, 3d Cavalry, of Company "C," joined a day or two after starting, but was shortly laid up by an attack of acute rheumatism, with which he is still suffering, and has not been able to do duty. Company "I," 3d Cavalry, was fully mounted, having extra horses transferred from Company "C."

The condition of the Companies was not such in every respect as could have been desired. They had rendezvoused at Fort Bascom under orders received at their different Posts from District Headquarters, directing them to report for "temporary field service." Nearly all left behind their Company books and papers and muster-

Rolls, and some could not therefore be paid off before starting, although a Paymaster was there present for the purpose. In some cases Expresses were sent back to fetch books and papers necessary to make the December Rolls; but although fully aware of the proposed duration of the scout, and although an order was published stating that transportation would be furnished for the "Company Desk," no advantage was taken of this in Company "D,"—whose station was Fort Bascom. All [page No. 545] the Cavalry Companies left behind their sabres, and the Infantry Companies their bayonets for doing which Circular No. 10, series of 1868, from District Headquarters was quoted. The horses of Companies "C," "G," and "D" had just returned from a twenty-five (25) days' scout, without forage, necessarily much weakened, and with only a few days to recuperate in. The horses of Company "F" were before noted in the Regiment for their apparently fine condition, but they had simply fat without hard muscle, and broke down perhaps more rapidly than any others. Those of Company "A," all grays, appeared to stand the trip better than the rest, or, at least, fewer of them were lost by exhaustion. The quantity of forage taken in wagons of the Expedition was 22,000 lbs. of Corn and 24,000 lbs. of Oats, and about six (6) pounds were fed to each animal daily. The men were sufficiently supplied with clothing at the start, but its appearance was not always strictly uniform.

The Post of Fort Bascom was left under charge of Brevet Major Morris, 37th Infantry, with about fifty (50) men of his Company, "F," 37th Infantry, and a few men and horses of Company "D," 3d Cavalry. Two mule teams were also left for hauling water and wood, and the Express line to Las Vegas and Fort Union was kept up. Acting Assistant Surgeon Duane, who had been on the scout with Major Morris, [page No. 546] and reported physically unfit to go again, was retained at the Post, and Acting Assistant Surgeon Longwell was thus the only Medical Officer with the Expedition.

The route pursued was on the road made by Colonel Carson in his campaign of 1864,¹⁷ crossing to the left bank of the Canadian at Bergman's Rancho, four (4) miles below Bascom leaving the River at the Red River Spring, and striking it again about twenty miles above Adobe Wall. At Navais Spring, forty-seven (47) miles out, a severe snow storm was encountered, the same, November 22nd, in which General Custer fought his "battle of Washita." During this, I laid over one day, hoping that the ox-train with forage would overtake us,—which was not, however, the case. Against such exposure as this storm, but very little shelter was enjoyed by the Command. There was about one (1) wall tent to

¹⁷ For Carson's report, see *War of Rebellion, Official Records . . .*, Series I, XLI, Part 1, 939 ff.

each Company, one to Headquarters, and a very few A tents,—chiefly in the battery, belonging to the detachment of Company “D,” 37th Infantry. All others had only ponchos, or such huts as they could construct.

At Canada Bonito, ninety (90) miles and eight (8) days out, the forage ran so low that it became evident recourse must be had to the ox-train, which was accordingly waited for, and finally a train was unloaded and sent back to fetch up the grain, thus losing for us five (5) days' time. Although thus lightened, the ox-train camped with us but two (2) days [page No. 547] afterwards. At the second of these camps on the Blue water, being in the buffalo range, some one hundred and thirty-five (135) head of cattle, together with a number belonging to the ox-train, were lost by straying, as is believed, through the negligence of the guard. Without delaying the march of the column, several parties were sent back in search of them, the trail being almost impossible to find because of the number of buffalo tracks; but sixty-two (62) of them were finally recovered and brought in to the Sub-depot, and it is thought that some of the others were picked up by Mexicans, and may be recognized by marks.

These Mexicans¹⁸ are buffalo hunters who go out on the Plains every autumn and winter from Las Vegas, Chaperita, Anton Chico, and the neighboring parts of New Mexico, and frequently carry on trade with the hostile Indians. Pueblo Indians are also engaged in this business. There are three (3) routes generally pursued by them;—one, entirely north of the Canadian, brings them down to the waters of Wolf Creek; another is the route of this Expedition; and a third, by the Fort Smith and Albuquerque road, crosses a corner of the “Staked Plains” to the headquarters of the Red River of Texas. They generally use ox-wagons or burros, and go frequently in considerable numbers. Several of the parties were met within a hundred miles of Fort Bascom, and some were closely [page No. 548] interrogated and searched, but no positive proof was procured of their having carried on trade. All agreed in a statement, which they professed to have learned from Pueblos who were ahead of them, that the Cheyennes, Arapahoes, Kiowas, &c, were ahead of them, encamped in large numbers on Wolf Creek; and considering the probability of this story, the establishment of the sub-depot, and the course of the Expedition were much affected thereby.

Wolf Creek is an important stream rising in the prairie about one hundred and fifty (150) miles east of Fort Bascom, and run-

¹⁸ The New Mexican traders (*Comancheros*) were involved in illicit trade with the nomadic Indians. They gave to the wild Comanches horses, guns, and ammunition to raid the Texas frontier, and subsequently bought their stolen plunder. See *Annual Report of the Commissioner of Indian Affairs, 1867-1868*, part 1, p. 194.

ning East and North east, unites with Beaver Creek to form the north Fork of the Canadian, which name is improperly applied on the map to Beaver. It will be borne in mind that I had no information whatever as to the course, time of starting, &c, of the columns which were supposed to have marched from Forts Lyon and Dodge, on the Arkansas, beyond the mere statement that General Sheridan was to have established a Depot at or near Beaver Creek, one hundred (100) miles south of Dodge, and I could only conjecture that the movements of those troops would have the effect of driving the Indians down upon us on the Canadian. I supposed, therefore, that I should have chiefly to look out for my left flank. As far down as the Sub-depot, however, we found no fresh signs of any kind, except a few new moccasin tracks on Monument Creek; and [page No. 549] the presence of Buffalo, which seemed to be moving north, was rather a proof of the absence of Indians.

The points proposed for the site of a sub-depot were Adobe Walls and Monument Creek; the former one hundred and seventy-five (175) miles below Fort Bascom, and the latter ten (10) miles lower. At each is a fine stream of water, running to the Canadian River on its left bank. Adobe Walls is the ruin of an old trading post, built by Bent more than twenty (20) years ago,¹⁹ having nothing but portions of the walls now standing. It was the furthest point reached by Carson, in his fight with the Comanches, in 1864. Both positions were deemed not far enough down, and upon the representation of some of the guides that good sites could be found twenty-five (25) or thirty (30) miles further, I proceeded to Dry Creek, eight (8) miles below Monument, which possessed timber but lacked water. Camping here during a furious storm, I made a personal reconnaissance several miles below, under the hills known as the Mesa del Lobo, obtaining a view of the river considerably further down, but could find no place on the left bank which seemed to answer the purpose, and did not judge it advisable to cross the river. Under these circumstances, and influenced also by the proximity of Wolf Creek on our left flank, I concluded to return to Monument Creek, where the Depot was accordingly established. As it was intended to be [page No. 550] guarded by a very few men, it was deemed advisable to give it a defensive character; and, taking advantage of two sand hills which stood in a favorable position, enclosing a considerable hollow, a rude earth work was thrown upon their crests and revetted with logs and sand bags. Covered ways were constructed, a traverse thrown across the gorge, and an abotti's partially built. The stores were placed in tents in the interior, and were entirely protected from any fire but a vertical one. The position of this work, as near

¹⁹ George B. Grinnell, "Bent's Old Fort and its Builder," in *Kansas State Historical Collections*, XV (1919-1922).

as I could judge, having no instruments to determine it properly, was on the 35th Parallel, a little East of its intersection, by the 101st Meridian W. The credit of the Construction is chiefly due to the Engineering ability of Lieutenant Hunter. About a week was employed in making these arrangements, during which time scouts were sent out in two directions,—one Southeast, across the river,—the other North-east towards Wolf Creek and Palo Duro, a northern branch of it. The former returned without finding any signs within thirty (30) miles. The latter which I had hoped would, in the guise of Mexican traders, proceed as far as the Indian villages, and perhaps enter them, returned, reporting about twenty-five (25) miles off having seen smokes and fresh American horse tracks, which seemed to have scared them back. While proceeding with [page No. 551] the work, the pack train was organized, taking for the purpose the mules from Anderson's wagons, and all the arrangements made for taking the field on a thirty (30) days' scout. Harper's train, made up to twenty-two (22) wagons from Anderson's and others, was sent back to Fort Bascom on December 13th, for an additional month's supplies, and was escorted by ten (10) men of Company "H," 37th Infantry. Captain Carpenter, 37th Infantry, with his Company, was placed in charge of the Depot Post. The Quartermaster Lieutenant von Luettwick, was left with the stores, having with him six (6) Enlisted men attached to his Departments, and twelve (12) citizen employees, chiefly teamsters. Lieut. Cradlebaugh and six (6) men of the Cavalry were left, sick, and the strength of Company "H," 37th Infantry, was twelve (12) enlisted men. After some deliberation, and considering the limited number of pack mules, it was determined to take with the Expedition four six-mule wagons, carrying 8,000 lbs. of forage, (all that was left), and a quantity of artillery and small arms ammunition, with the idea of abandoning or cacheing them if it should be found impracticable for them to proceed. In the absence of the regular Quartermaster and Commissary, Lieutenant L. L. Mulford took charge of the Departments during the scout, and rendered most efficient service. The organization of the Expedition embraced, beside, thirteen [page No. 552] Officers; 314 Mounted and 90 Infantry men; 42 Infantry men in the Battery; 9 scouts and guides; 33 citizen packers and teamsters; 112 pack mules; 5 horses and 27 mules in the Battery; and 328 Cavalry horses. Fifty (50) head of cattle were driven along. One (1) common tent, for the Hospital, was the only canvas permitted to be taken.

The start was made on December 15th, proceeding down the left bank of the Canadian. On the third day, out, just below the sand hills, forty-two (42) miles from the Depot and about eighteen (18) above Antelope Hills, (not however, in sight) an Indian trail was struck of about fifty (50) or sixty (60) lodges,

travelling from north to south directly across the river, and apparently about four (4) days old. At the same time a heavy smoke or signal fire was observed in a direction north of East, seemingly at some distance, but since believed to have been on the River near Antelope Hills, indicating the crossing of another party. Up to this moment it had been undecided whether to continue directly down the Canadian in the general direction indicated by my instructions, or to go over to Wolf Creek, where our information pointed out the Indians to be, but upon the discovery of this trail it was deemed most advisable to follow in pursuit, which was done. It led at first due south over a high rolling prairie country, crossing streams which [page No. 553] afterwards proved to be the heads of the Washita, and then inclined more to the South East. Directly ahead could be seen heavy smokes as of extensive prairie fires, towards which the trail at first led, but gradually left them to our right and rear.

On the third day of the pursuit, December 20th, the trail brought us to a large broad, shallow and very sandy river, called by some and supposed by me to be the Washita, but which afterwards proved to be the North Fork of the Red River. Down this stream the course was pursued, crossing it frequently, and having the Wichita Mountains in view towards which it seemed to run, until it was finally left on the 26th.

Following the trail several camps of the party were passed, but on the 21st, and afterwards the sign became mixed with many others of camps and trails, old and new, a few tracks quite fresh indicating the passing of many hundred lodges. To find out something more definite in advance, I had despatched two (2) well mounted scouts ahead early on the morning of the 19th, who rejoined me on the 20th, on the Sweetwater, (Rito Capolin) stating that they had turned back on seeing three (3) mounted Indians ride up on the prairie from the large river, (North Fork of Red River). I had reason to think, however, that my command was still unobserved. The forage had been nearly all used up, chiefly in two feeds while pushing the trail, [page No. 554] and the animals growing weaker, we cached one (1) wagon, December 21st on the North Fork, saving the harness, dividing the load, and adding the mules to the other three (3) teams.

December 22nd was characterized by a very severe and bitterly cold dry norther, which finally drove us to seek shelter under a bluff, in reaching which one of the caissons was broken in the shafts and rendered useless.

The 23rd brought us up to the Mountains. Three are detached, bare masses of syenite rising out of the prairie, with passages of frequently many miles between them, and not more than six hun-

dred (600) or eight hundred (800) feet in height. The first and most north westerly, called by the Mexicans Cejas Sabinas, was passed, and the river ran directly to the second, called Sierra Jumanes, and through a gorge or canon in it. Still other peaks and ridges could be seen to East and South East. Indians were seen by the scouts near the first named ridge, who made a signal fire in rear off its East end, and in front of the Jumanes Mt. who fled instantly through the canon of the river, raising a smoke at its entrance as they did so. They seemed to be only a few hunters, but there could be no doubt that we were now at last observed, and the alarm given. All the trails had multiplied greatly this day, and all passed through [page No. 555] the cañon of the Jumanes, to the number of at least a thousand (1000) or fifteen hundred (1,500) lodges, although there were easier routes around the ends of the Mountain. The trails were still several days old. A strong scout was sent down to the Cañon, and camp was pitched on the river about two miles from it, as the day was declining, and it seemed evident that a surprise of any village was no longer practicable, even if there were one near by, which was not supposed to be the case.

From the time of first striking the trail, on the 17th, pains had been taken to avoid giving any alarm. The pickets were doubled, no firing of small arms permitted even to kill the cattle, all signal calls on the bugle ceased, and only a limited number of fires allowed, which were placed in holes and carefully covered over on striking camp.

Making a very early start on the 24th, the river was crossed at once to its right bank, and the route pursued close by the vent of the Jumanes, a comparatively narrow range, to its south side, whence a very extensive prairie spread out nearly level, with a gradual slope to the Southward, in which direction no mountains could be seen. The course was taken by degrees to S. E. and E. with a view of again cutting the trail, as it [page No. 556] appeared evident that the Indians were not in the Mountains. The North Fork could not be seen, but a stream, frozen over and of alkali water, was soon crossed, which was at first thought to be it. This stream really runs towards the Mountain into the North Fork. The big trail was in fact crossed this morning but upon ground so hard and bare that it was not seen by any one in the column, and it was not reported to me by the scouts until night. They however reported to me three (3) Indians seen on our right, whom I supposed to be watchers, and I continued the course to South East, bearing to the East, with the idea that the trail must thus necessarily be again met. This brought us, some ten (10) or twelve (12) miles from the Mountain, to a broad, dry, sandy river, with cottonwood, having water only in one (1) or two (2) frozen holes, so strongly alkaline as to be unfit for use. Its course appeared to

be from West to East, and in the former directions its right bank gradually rose up to assume the appearance of a mesa. I followed this stream down, or Eastward, for two (2) or three (3) miles, and then left it on a course North East and North, which in the afternoon brought us to some water holes in an arroya in the prairie, but without wood. Due north on a high ridge, apparently putting out from the East point of the Jumanes range, could be decried [page No. 557] a belt of timber, toward which, after watering the stock, the march was taken, and which was only reached after dark. It proved to be a considerable oak grove on hills, but without a drop of water, and here camp was made on the night of the 24th, the days journey in a circuit having been twenty-seven (27 miles).

This circuit not having crossed the trail so far as I had observed, there now remained but the short space of three (3) or four (4) miles between this camp and the East End of the Mountain in which to find it, or to verify the assertions of the scouts that it had really been passed. Accordingly, I directed them, early on the morning of the 25th, to proceed in a direct line to the East point and search carefully for the trail or any part of it, which I thought might be there. At the moment of breaking camp they reported to me that they had done so without success, but being convinced from their statement, and the short interval of time, that they had not gone so far as I desired, I reiterated my order to them to go again to the Point of the Mountain, or to the river supposed to be near it, while we resumed the march in a northwest direction toward the Southern outlet of the gap or cañon, through which the trail was known to go, with the intention of taking it up again there at any rate. The morning was [page No. 558] bitterly cold, with a strong, piercing south east wind, blowing fortunately upon our backs. Coming close to the Mountain, we found right under it the North Fork, running to the right or East, and through a sort of cañon formed by a high detached rock separated by it from the Mountain, the stream being struck by us upon its right bank. Here we were rejoined by two (2) Of the Scouts, who had gone out upon my last order, with the report that they had met and conversed with two (2) Indians near by. Determined no longer to neglect these individuals, who seemed to be watching us, I at once despatched in pursuit of them Major Tarlton with his Company, which happened to be at the head of the column; and not supposing any force of the enemy near us, I proceeded up the stream with the remainder of the Command in search of a camp, my intention being, in view of the severity of the weather, the day being Christmas, and the fact that we had made no halt since leaving the Depot, and had camped without water the night before to make a short march, resting upon the main trail, and to follow it all that night. Shelter from the wind was found round

a point of the Mountain, some two (2) or three (3) miles up and camp was about being made when word arrived from Major Tarlton that he required assistance to whip those Indians. Captain Monahan, with his [page No. 559] Company was at once dispatched to his aid, and shortly after Lieutenant Hunter, at his own request, was sent down with a section of the Battery, under Lieutenant Sullivan, and Captain Hawley's company of Cavalry to support it. In the meantime the animals had been nearly all unpacked and turned out, but beginning to be packed up again, and started down for the scene of action with the whole of the remainder of the Command.

Major Tarlton, proceeding with his Company, numbering in the ranks thirty four (34) enlisted men, encountered in the cañon of the river a large and superior party of Indians, who charged him with the lance, rifles and pistols. The charge was vigorously repulsed, four, (4) Indians reported by him killed, and several ponies; the Major losing but two (2) horses shot. Upon the arrival of Captain Monahan's Company, of thirty eight (38) men, Major Tarlton took the offensive and pushed the enemy, who made two (2) vigorous charges upon him, driving them through the timber of the cañon. The Indians displayed great courage and audacity, and subsequently acknowledged that one (1) of their number was shot through the head, and his weapons, one of them an old spanish lance, fell into Major Tarlton's possession. The Major had already sent [page No. 560] word that he could use Artillery to advantage, when Lieutenant Hunter and Captain Hawley arrived with the section of the Battery and its support. The whole party then pushed rapidly down the river, and at a large bend and opening of the bottom, about two (2) miles from the point where the fight began, came in sight of the village,²⁰ situated in the edge of a grove directly against and at the base of the mountain. The Indians were engaged in endeavoring to remove their property, but Lieutenant Sullivan, at Lieutenant Hunter's direction, at once brought his pieces into battery and threw two (2) shells among the lodges, the second one exploding and causing the immediate and rapid evacuation of the village by all of the Indians. The party then advanced through and beyond the village, and drove the Indians out of the grove and over a ridge below it, the fight being kept up all the way. Lieutenant Hunter at once sent word back to me of their success, and was anxious to push the Indians still further down, but was overruled by Major Tarlton, who determined to await my arrival, in the meantime

²⁰ Captain W. S. Nye locates the village as being near where Soldier Spring Creek empties into the North Fork of the Red River. *Carbine and Lance* (Norman, 1937), 111. The Indians encamped here were Nakomi Comanches under a war chief, Arrow Point. They had recently been engaged in raiding the Texas settlement near Spanish Fort.

holding the ridge. This was an excellent position but for the fact that the Indians commenced getting up among the rocks above and on his left, annoying his men and picking off the supports of the guns, and the Major, not deeming a forward movement [page No. 561] advisable, very properly fell back from it a short distance into the grove. The whole force which drove the enemy from his first charge and captured the village consisted of Major Tarlton's Company of thirty eight (38) men, Captain Hawley's Company of thirty six (36) men, and Lieutenant Sullivan's section of two (2) Howitzers, and eighteen (18) or twenty (20) men, with Lieutenant Hunter, who as my Adjutant, took a very active and independent part in directing movements, and from the strength of the cavalry is to be deducted one fourth ($\frac{1}{4}$) as horse-holders, not actively engaged. The remaining men of these Companies were employed with the pack train. The number of Indians charging was difficult to determine in the timber, but was supposed to be not less than one hundred (100) well armed and well mounted warriors.

Coming down with the body of the Command and the train, and being ignorant of the ground below, or of the exact position of the Indians, I conceived that by going over and around the South point of the rock which formed the cañon I should come in upon their rear, and was nearly up to the top of the divide when I received the last message from Lieutenant Hunter. As it would then be longer to go back, I kept on this course, but understanding that the cañon must be clear I sent word for the train to keep down through it as [page No. 562] an easier route. This message was unfortunately not delivered by my orderly, and the train, following me around, did not arrive upon the field until sunset.

I reached the village, pushing ahead with companies "C" and "D," 3d Cavalry, leaving the Infantry to come up with the remaining section of the Battery, in time to prevent a dash into it by a part of the Indians, who had made a circuit for the purpose around the bend of the river on the right, to come in on Major Tarlton's rear. A few of them I believe, even got into it, and attacked some men left there by Lieutenant Hunter as guard. Seeing the Indians in front in force on the opposite bank, apparently about to charge, (the river being everywhere shallow, sandy, and easily fordable,) I at once deployed Companies "C" and "D," dismounted, up to the high bank, thus covering Tarlton's right and rear, and some rapid skirmishing commenced. This was done about the time that Major Tarlton fell back from the ridge he had occupied and the Battery was in rear of the grove. Companies "C" and "D" were officered by Brevet Captain Cain, and Lieutenants Hildeburn and King,—the latter of Company "I." The Indians displayed their excellent horsemanship dashing round in circles, riding on the sides of their horses, waving their shields, &c, but did not attempt to cross in our immediate front. They [page No.

563] seemed to be well and very fancifully dressed. The Infantry, under Captain Gageby, was hurried up at the double quick, and deployed on the line of the river bank, enabling me to extend my lines, but it was evident from the conduct of the Indians, and their reluctance to close, that any attempt to pursue them on foot would have been unavailing. They were well mounted, and fled at every attempt to advance upon them. Our horses had been giving out for several days past, and were in no condition for a successful chase.

The Indians were reinforced, as was afterwards ascertained, by Kiowas from a village below, who could be seen riding down from the bluffs and rapidly crossing the bottom and the river, and passing up into a cañon back of the mountain and of the ridge first held by Major Tarlton. From trees and rocks in the mouth of this they annoyed us very much by sharpshooters and one (1) man of Company "F," 37th Infantry, attached to Captain Gageby's Command, was thus mortally wounded.

During this desultory skirmishing, the destruction of the village was carried on; but when at the close of the day I was about to withdraw the line to go into camp. Captain Gageby reported to me that his men could not retire from their present position without many of them being picked off by these sharpshooters, and I therefore made arrangements [page No. 564] to dislodge them. For this purpose, Companies "I," "G" and "D," 3d Cavalry, dismounted, under Major Tarlton were deployed forward over the ridge, and around the larger rock which had concealed the Indians, who retired precipitately up the cañon. They were seen in numbers of a couple of hundred, and at the distance of about one hundred and fifty (150) yards received the repeated volleys from the carbines of these three (3) companies. Many were seen to fall, but they managed to carry them all off. The number hit this time was estimated at a dozen. Captain Monahan, with company "G," 3d Cavalry was on the left of this line when deployed, and close to the mountain, and came suddenly upon a large party of Indians in a ravine, who had not observed his advance. They rode off rapidly but were in a compact body, and their numbers were estimated at two hundred and fifty (250) yards distance repeated volleys from the Spencer carbines were poured into them, many were seen to fall, estimated from twelve (12) to twenty (20), and from the blood on the rocks and ground, and the riderless ponies seen running around (none being found dead) it seems safe to presume that somebody was hurt. The line was then withdrawn without molestation and the camp established in the bottom, in the form of a square, with strong pickets, about two hundred (200) yards in [page No. 565] front of the village, the destruction of which was not completed until eleven (11) o'clock at night.

The village was situated at a fine spring directly under the mountain, and consisted of about sixty (60) lodges of the best Indian workmanship, and nearly all new. They averaged about eighteen (18) poles and twenty (20) skins to each lodge, and were described by the old prairie scouts as the finest they ever saw. Some of the lodges were not yet covered. The poles were long and straight, and of red cedar, worth about a pony to the half dozen, and the skins were clean and well dressed. For an Indian encampment everything looked very neat, comfortable, and in order; the supplies of every character, and very much such as one would never expect to find there, were ample for six (6) months and more, and the evacuation was so sudden that the pot was found boiling on the fire. An estimate of the stores captured and destroyed is as follows, and is believed to be quite within limits: About twenty five thousand (25,000) pounds of dried Buffalo meat; one hundred and fifty (150) bushels of corn (much of it Mexican); two hundred (200) sacks of corn meal; two hundred (200) sacks of wheat meal; a large quantity of white sugar, coffee and soap; twelve hundred (1200) pounds of Killikinick Tobacco; one hundred (100) pounds of powder; two hundred and fifty (250) pounds of lead; one [page No. 566] hundred (100) bullet moulds; three hundred (300) robes,—generally unfinished; one hundred (100) skins; sixty (60) to eighty (80) axes and as many hatchets; cooking utensils of every kind, including one hundred (100) brass kettles; one hundred and twenty (120) tin buckets; one hundred (100) iron pots; one hundred and twenty (120) camp kettles; many knives, forks, and spoons; sixty (60) butcher knives; sixty (60) draw knives; sixty (60) hammers, awls, rifles, pistols, shields, and lances. For packing all these things there were something like a thousand panniers, large and small, very well made out of buffalo hide, most of the articles being in them, and two hundred (200) or three hundred (300) lariats. There were even toys, dolls, and playthings for children, and many other articles not mentioned. The encampment had been made but a few days, having come across from the Washita, and its trail was not one of those which we had been following down the North Fork. The Indians succeeded in carrying off their families and most of their horses and their best robes, and by not capturing their animals we were unable to carry off the larger part of the spoils. A good deal of the tobacco, meal and dried meat was used in the Command, and the corn was fed to our horses, everything else being burned up, our transportation being too limited and our animals too weak to carry off any amount. The ponies that we picked up were chiefly strays taken on the route before and after the [page No. 568-567 omitted when numbering pages] fight, and were two or three dozen in number.

During the affair the Indians sent runners East and Southwest, and we fully expected that they would be strongly reinforced and

attack us in the morning, and our preparations were made accordingly. In the night, they attempted, unsuccessfully to fire the grass to windward of us, and fired into the pickets before daybreak, but made no assault. At dawn the command was moved across the river and over the bluffs, and a dozen or so of the Indians riding into the old camps were saluted by a couple of shells from the Battery.

This village represented about five hundred souls and the numbers engaged were variously estimated at from seventy five (75) to one hundred and fifty (150) warriors. When reinforced by the Kiowas, there were perhaps two hundred (200) warriors present. They themselves subsequently stated that they had five hundred (500) men on the ground, and that only one of them was hurt, and a few ponies killed,—which are probably exaggerations. Throughout the affair the Indians used no arrows, firing only rifles and pistols. Their loss may be fairly estimated at twenty (20) to twenty five (25) killed and a proportionate number wounded. One of our Companies "F," 3d Cavalry, was on rear guard, which with many of the men detailed with the pack train, and all of the citizens except the [page No. 569] nine (9) scouts and guides, was not engaged, and the capture of the village and defeat of the Indians was almost entirely executed by the Companies under Major Tarlton, whose strength has already been mentioned. The Indians we supposed from their work, to be Cheyennes, Kiowas, and Wet Moccasin Apaches but it was subsequently ascertained to be a Comanche village. It was unfortunate for the complete success of the affair that we had no trail leading to this village, nor were in any way previously aware of its existence. The Indians undoubtedly saw us passing on the 23d and 24th and from the route taken by us, and our passing them without notice, probably supposed that we were travelling through the country. Our circuitous course completely deceived them, and our encamping on the night of the 24th not more than five (5) miles distant must have been quite unknown to them. Our camp of the 23d was also within striking distance and had we been aware of this proximity the village might have been easily surprised and surrounded, and everything belonging to it captured or killed. The difficulty of removing their large quantity of supplies was probably the reason that they did not strike camp before our discovery of them.

The course to be pursued after this affair was a matter of some deliberation. Our presence in the country was now fully known, as well as our hostile character, [page No. 570] and the surprise of the other villages would be very uncertain and difficult. The presence of any other troops in the country was utterly unknown to us, and none were supposed to be near. Two (2) routes presented themselves. One was to follow the great trail to the Southwest, and gradually to sweep around to the northward under the

mesas of the Eastern edge of the Llano Estacado, known to afford places of resort for Indians, and thus to draw back to our Depot. The other was to strike Eastward for the Canadian and to follow it up by Antelope Hills, (the Watchunkari of the Comanches,) where we fully expected to find Indians. It will be remembered that we supposed ourselves to be upon the Washita. Our animals were getting very weak, on poor grass without forage, and many had already been abandoned, and our rations were found to be diminishing by loss and wastage more rapidly than the time left at our disposal. My orders directed me to "go down the Canadian as far as possible," and the second route was finally determined upon, with the intention, if the supplies could be made to hold out and nothing were found at Antelope Hills, to cross over to Wolf and follow it up to Monument Creek. With the new supplies accumulated there a scout could be thence easily made south, down the Eastern edge of the Llano.

Accordingly after crossing the river [page No. 571] on the morning of the 26th, I pursued a course directly East, which in a few miles crossed the River again, and I left it from its left bank. A few of the Indians followed us up this far, and one (1) or two (2) still further, firing the prairie and raising smoke signals. North East, East, and South East were several large detached ranges of Mountains, and I could not but suppose that these smokes were to warn other bands ahead of us. I did not think that our horses were in condition to pursue Indians behind with any success.

The second day the course was changed more to the North East, and an old wagon road crossed, and supposed (but wrongly) to be that from Fort Smith to Albuquerque. Each day the route was taken a little more to the north, passing by the West and North ends of the Mountains, and some old trails, and quite fresh signs of war parties were met.

The 29th of December was passed in camp near a large, deep, muddy stream, during a severe, cold North East rain and snow storm, which killed many of the animals, and broke them all down terribly.

On the 30th, the weather still continuing very cold and tempestuous, we moved over to and up the larger river and were about going into camp, when four (4) men came up in rear on our trail [page No. 572] two (2) of them white and two (2) Indians, and announced that they were scouts from Fort Cobb, only twenty (20) miles distant; that General Sheridan was there with his Headquarters, and a large force, and that the river we were on was the Washita. They also gave us the first intelligence of General Custer's fight of November 27th. I thereupon dispatched Lieutenant Hunter back with them to Fort Cobb, with an escort, to inform General Sheridan of our proceedings and condition, and laid over

in camp during his absence upon muster-day. At this camp, Private von Cleve of Company "F," 37th Infantry died of wounds received on the 25th, and was buried on the 1st. Our supplies were running so low that we were obliged to delay no longer, but to proceed back, leaving Lieutenant Hunter to overtake us, but when crossing the river for the purpose an express arrived from General Sheridan, informing me that eight (8) days rations would be sent out to us, directing me to hold on a short time, as the Cheyennes and Arapahoes were coming in, and not to attack them if they passed me, and bringing also his letter to General Sherman in relation to us, and his General Field Order, No. 7. This order appears somewhat in error as to the exact position of the captured village. It stood in the Wichita Mountains, on the left bank of the North Fork of the Red River,—the Rio Arenosa of the Mexicans. Lieutenant [page No. 573] Hunter arrived back on the same day, and the rations also arrived, but no forage. These rations had to be made an extra issue to supply the losses. A second express in the evening directed me, after resting my animals, to return to my Depot, and I was also verbally informed from General Sheridan, through Lieutenant Hunter, that if we were needed again to take the field a messenger would be sent after us.

Accordingly on the morning of the 3d, the return march was taken up the left bank of the Washita, following the trails of General Sheridan and Colonel Howe in 1866, and generally on the divide between that river and the Canadian to Antelope Hills. Our progress was necessarily very slow, fourteen (14) or fifteen (15) miles only each day, with no grain, the grass without substance, very poor and scarce, and the animals dying at an average rate of a dozen or more each day. By General Sheridan's direction, all that gave out were shot, until within a couple of days of the Depot.

On January 6th, eighty (80) miles above Fort Cobb, I sent an express,—two (2) guides on the best mules we could pick out,—to Monument Creek, with orders for Harper's train to come out to meet us with rations and forage. Antelope Hills were passed on the 9th, and on the 11th, on the Canadian, near the crossing of our trail of December 18th, two (2) [page No. 574] wagons met us with supplies from the Depot, Harper's train not having arrived back there.

Monument Creek was reached on January 13th, and Harper's and Hickok's trains, with rations and forage from Fort Bascom, came in there before us on the same day.

The loss of animals upon this scout was certainly great, but under the circumstances of the hard marches, severe cold weather, and lack of grain and grass, could not perhaps have been otherwise. The substitute for forage of the bark of the cottonwood, so much

used by Indians in the winter, was not neglected. It was fed regularly and in abundance every night, when it could be procured, but though eagerly devoured by the animals it did not seem to check their mortality.

The total number lost by starvation on the scout was as follows:

Company "A,"	3d Cavalry:	8 horses
" "C,"	3d "	33 horses
" "D,"	3d "	40 horses
" "F,"	3d "	39 horses
" "G,"	3d "	38 horses
" "I,"	3d "	14 horses

Of mules, the Battery lost twelve (12), and the train fifty two (52). The small proportion of Companies "A" and "I" will be noticed; the former were all grays. Some Animals were also lost at other times during the Expedition, but not in such proportion. At the Depot, [page No. 575] forage was found in abundance, and the animals that arrived were, with a few exceptions, saved. With all the care that was taken in packing, I regret to state that many of the mules became sore-backed. Every pains have been taken with them since the return, and I have hopes that with time and proper treatment all will become well. I think that a greater number of mules should be allowed for packing purposes, and that not more than a hundred (100) pounds, perhaps less, should be loaded on each to prevent chafing.

Events at the Depot during our absence on the scout were marked by the arrival and departure of trains from Fort Bascom, the accession of enlisted men to Captain Carpenter's Company, bringing his force up to forty odd, and the appearance in the vicinity of General Carr's Command from Fort Lyon. This consisted of about seven (7) companies of the 5th Cavalry, and four (4) Companies of the 10th Cavalry, under General Penrose, 3d Infantry, which encamped on the Canadian fifteen (15) miles above Monument Creek, on December 28th, and returned to the Northward to its Depot, reported to be about sixty (60) miles off, January 7th. It was understood that General Carr was on his way Southward to the very country where we had scouted, and where he was expected by General Sheridan, and that he returned for forage and rations. I did not have [page No. 576] communication with him.

The recuperation of the animals, and reorganization of the trains, were the main points attended to at Monument Creek Depot, awaiting possible instructions from General Sheridan, of District Headquarters. In the absence of any message from the former, I certainly understood that any further or distant scout-

ing by my Command was not expected by him, but that I was at liberty to make such movements as I might deem proper.

On January 19th, were received, by express, the dispatches relating to the Southern Comanches, and their offer of surrender. Their location I conjectured to be under the Eastern or Southern edges of the Llano, and if the former, due south of Monument Creek, and perhaps not more than one hundred and fifty (150) or two hundred (200) miles distant. The idea at once presented itself of making a scout after them, which I was anxious to do, and it was weighed long and deliberately, and discussed in every point of view, before I concluded to abandon it. Success required me to find them with certainty at not more than one hundred and fifty (150) miles distance, or ten (10) days march, of which I could not be at all sure. My animals were very much broken down, and one hundred and fourteen (114) Cavalry men dismounted, [page No. 577] and of flour and hard bread, after the 23d, there were found to be but twelve (12) days rations left, and none was known to be en-route to the Depot, nor could it be gotten down in less than twenty (20) days. By abandoning the Depot, sending express for the flour, and making a march in a circuit over the Llano, which was practicable, the trip could have been made with perhaps not more than three (3) or four (4) days to go without the bread rations, depending for its success, however, upon finding the Indians in a definite locality. It would not have been practicable to have accompanied them to Fort Cobb.

After a careful consideration of all the points, I concluded to give up this scout, and, having received no word from General Sheridan, to return with the Command to Fort Bascom.

I regret that the Expedition should terminate with so little success, due mainly, no doubt, to errors of judgment upon my part. The hardships and privations of the campaign were cheerfully borne by the Officers and soldiers under me, and no lack of effort upon their part caused my failure in my plans.

My thanks are especially due to Lieutenant Hunter, for valuable assistance and advice, and for the zeal and energy displayed by him in forwarding the objects of the Expedition. [page 578]

Very respectfully,

Your obedient servant,

(Signed) A. W. Evans,

Brevet Lieut. Colonel, U.S.A., etc.

²¹ Dr. C. C. Rister is Professor of History at the University of Oklahoma at Norman. He is the author of *The Southwestern Frontier* (Cleveland, 1928).

COLBERT FERRY ON RED RIVER, CHICKASAW NATION, INDIAN TERRITORY

Recollections of John Malcolm, pioneer ferryman.¹

Recorded by
W. B. Morrison.

I left Scotland in the summer of 1867; landing at Quebec, going to Montreal, and from there to Toronto, where I stopped about a year. I then went to Quincy, Illinois, where I worked on a railroad bridge being constructed across the Mississippi river. Later traveled through parts of Missouri, Illinois, and Iowa, finally reaching Clark county, Missouri, where I became acquainted with a Dr. Mason who was going overland to old Mexico. I left Gregory's Landing on the River in Clark county, Mo., the 2nd day of March, 1870, starting with him for Mexico, but Dr. Mason got grouchy on the road, and I left him when we got to Red River.

He begged me to let him have my part of the horses which we were taking to Mexico to trade for ponies, and that was the last time I ever saw him or my horses. I went to work for a man by the name of Smith, who had the Rock Bluff Ferry rented from the owners, who were Jim Shannon then living on the old road between Colbert Ferry and Sherman, a point now on the western boundary of Denison, Texas, and Bud Randolph, who had married an Indian girl and was living on the Indian Territory side of the river about two and one-half miles to the north, close to the cattle trail.

Rock Bluff Ferry was the main cattle crossing, a good many immigrant wagons crossing there. Smith offered me \$30 per month with board, such as it was. He had another fellow with him and a Mexican who helped to run the boat by oars. They

¹ John Malcolm was born in Scotland on July 2, 1845. He died on April 6, 1934, Route 2, Durant, Oklahoma in his eighty-ninth year. He was buried on April 7, 1934 in Colbert Cemetery, Colbert, Oklahoma.



JOHN MALCOLM

were poor hands and I did not know much, but had some knowledge, for I had made a few voyages with two of my uncles who were ship captains.

After a few days Smith left the whole thing with me and would go off on his pony, sometimes not coming back again until night.

There was a large lot fenced with logs and trees cut down making a good place in which to hold the cattle should they not take to the water, and at the lower end a large rock jugged into the river making practically a chute for the cattle to go into swimming water at the first jump.

I would take the skiff and keep the cattle straightened out across the river while the other men kept them crowded up. Often they would go to "milling," that is, going around in a circle; then we had to break the mill, sometimes with me in the skiff, and sometimes by swimming to punch out a leader, which was dangerous work, but the wilder the cattle were, the easier it was to put them across.

We put across from one to four herds a day, though there were days when we had none to cross. We got along well, until one day the river took a quick rise while we were eating dinner. The boat being only tied to a stob, floated off, and the skiff being fast to the boat it went too, and so we had nothing to follow it with.

When Smith came back that night we told him about our bad luck. He said that he would head the boat off. He took all the money with him that night—forgetting to pay any of us—and I suppose he is still trying to head off the boat. However, I sent word to the owners, and found that Smith had forgotten to pay them the last month's rent.

The owners in a few days went up on the Washita river to hew out gunwales from cottonwood trees, but before they went I proposed to cut lumber and build a skiff so that I could put cattle across. By sending the chuck wagon around by Colbert's

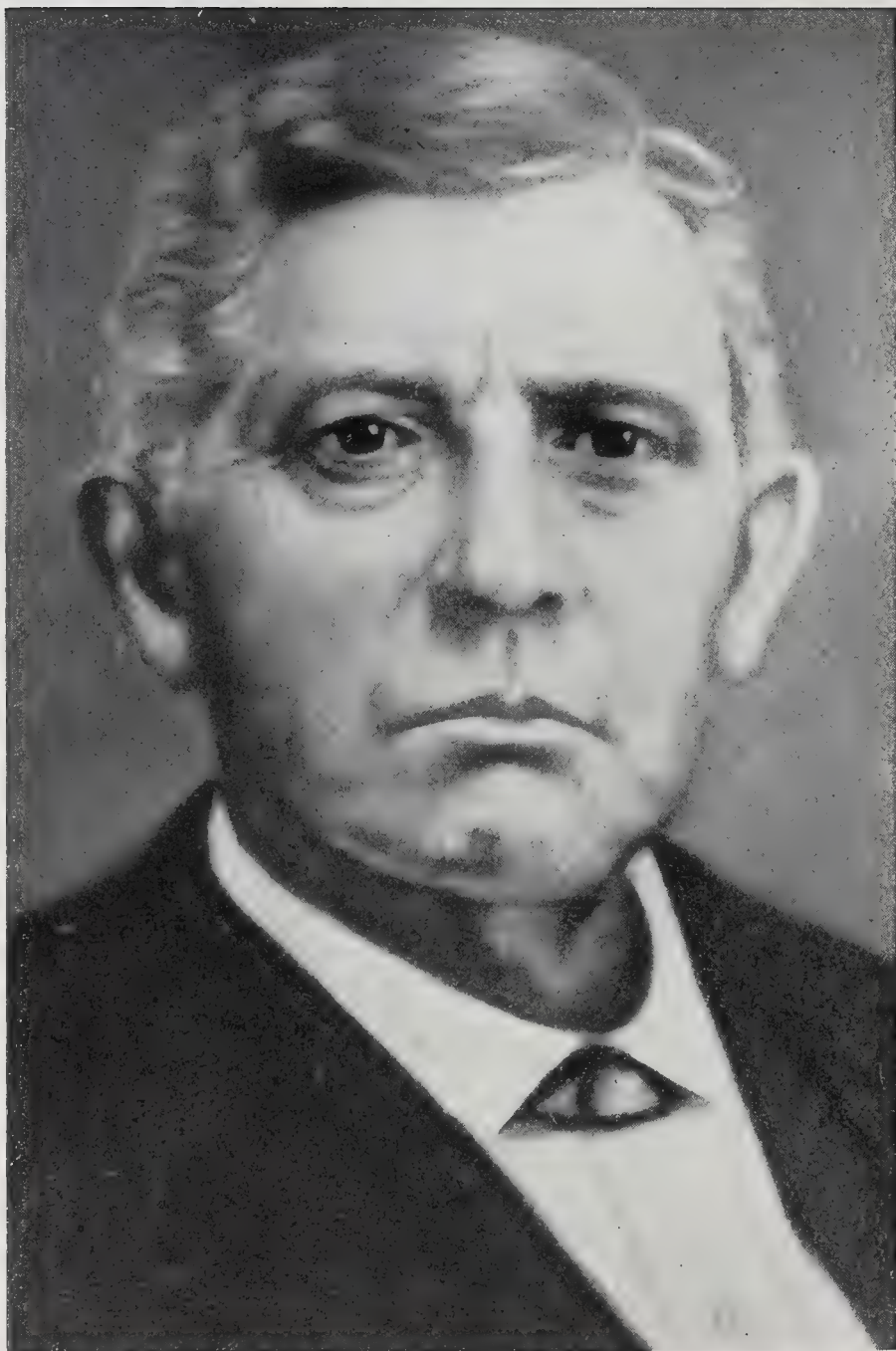
Ferry, and swimming the horses, I could take the saddles and men across in the skiff.

The owners agreed, telling me to keep what I made, and so I kept on putting the cattle across. Well, I had \$10 when I came here, and after buying the lumber and paying for the hauling, I had 25 cents left. I put across cattle, horses and men until I had made \$60.

About this time the owners came back from the Washita. They had heard that the boat had hung up on a drift at Sowell's Bluff and they wanted me to go with them to get the boat back. While we were away a man by the name of Dave Toomey took charge of the ferry. We were gone about a week. Jim Shannon borrowed my \$60 to help pay expenses, and told me when we got back to keep all the money until we got even, but when we got back I found that I had lost all of my clothes except what were on my back. My introduction to Texas was surely tough.

It was nearing the end of cattle driving, but the largest herd was yet to come. One morning two men rode down, looked the place over and told me they had a herd of 7900 or more to put across. They asked me to take everything out of the way as they were going to stampede the cattle and run them across. Soon we heard them shooting and whooping then followed the roar of the cattle coming down the road, horns and hoofs a-pounding. Into the water they went nearly damming the river, but they did not lose one, and it surely was a sight to see that many cattle on such a wild run.

Everything went along smoothly but the owners never forgot to come every day or two, and ask for what money I had, which kept me broke. We had many comical and serious troubles with which to contend. One night the boys all went up to Preston, then a small village, and yet a small village, to get some tobacco and I was left by myself. We had no beds, only shake-downs on the floor, and had no guns, so I kept the old axe by my side at night.



B. F. COLBERT

That night I heard some one come to the door and give it a push, then walk around the house and stop at the chimney. The chinking was pretty well knocked out, so one could see into the shack. I lay there just as long as I could stand it, thinking that some one was looking through at me. Then I got up with the axe in my hand, opened the door, slipped around the way the footsteps went and when I got to the chimney corner up jumped a big black object. My hat went one way, and the axe the other. It was a big hog. I was looking for a man, not an animal.

The owners wanted me to run the outfit another year but would not pay enough wages so they got two brothers by name of Nichols to manage it. Just about that time Charles Gooding and another man told me one day to bring over the skiff as they wished to speak with me. Gooding then introduced me to B. F. Colbert² who wanted me to run his ferry. We made a trade for a year. I then saw Randolph and Shanon to get what was coming to me for wages. Shannon said he did not have anything but Randolph gave me a spotted pony and a bridle. I had an old saddle, so the pony and I arrived at Colbert's house on Sunday evening, with a small bundle of clothes tied to my saddle, and with no money. I think it was Jan. 8, 1871.

² Benjamin Franklin Colbert was born in the Chickasaw country near Horn Lake, Mississippi, December 18, 1828. He died March 11, 1893. He was the son of Martin and Sallie Allen Colbert, who were both Chickasaws. O'Beirne, *Leaders & Leading Men of the Indian Territory*, Vol. 1, *Choctaws & Chickasaws*; Vol. 14, *Chr. of Okla.*, pp. 180, 181; 11 *Id.*, pp. 793, 804, 810, 812, 818; Vol. 9, *Id.*, p. 312. His first wife was Martha McKinney, a Cherokee, by whom he had two children, Mary, who married a white man by the name of Thornton Downing. His second wife was Malinda Factor, a Chickasaw, who died November 9, 1853. His third wife was George Anne McCarthy, a white woman, by whom he had three children, Holmes (who was a member of the Chickasaw Commission that negotiated the Atoka Agreement), Texana, who married a white man, (railroad agent at Colbert) named Winter Bradley, for whom the town of Bradley, Oklahoma, was named, and Eugenia, who was educated at Miss Mary Baldwin's Seminary at Staunton, Virginia, married Lucien Perry.

His fourth wife was Lou Goldsby, a Cherokee, by whom he had nine children, only five of whom reached maturity, namely, James Colbert, now deceased, May, now of Columbia, Missouri, who married Wyatt S. Hawkins, of Hannibal, Missouri, Frances, now of Tulsa, Oklahoma, who married W. M. Baker, of Staunton, Virginia, Harley and Richard, both of whom reaching mature manhood, are now dead. The two daughters, May and Frances, were also educated at the Baldwin Seminary at Staunton, Virginia.

Will describe the place: it was a large two room house with a hall-way, two shed rooms behind making a four-room house, painted white. There was also a two room log house about ten feet from the east end; one room was used for kitchen and the other a sleeping room for the negro cooks.

There was no stove, only skillet and lids for baking. I don't know how they did so much cooking for there were never less than from ten to twenty eating there. However, they put up good food and plenty of it. On the northwest, about thirty yards from the main house there was a cottage, twenty by twenty feet, with double beds and fireplace. They called it the office.

The main house had a large veranda in front, also a Bermuda grass yard with three or four large oak trees, and there was a good orchard on the southwest side. On the east side was the garden, with some two or three graves. East of the garden was the barn and north of the barn the cow and hog lots with a large lot of near five acres in Bermuda grass.

It was a pretty place. The main road was about one-fourth of a mile north of the house and led down to the ferry. Several hundred acres were in cultivation and there were houses for the negroes in different parts of the fields. It was a stage-stand where the coaches changed horses and drivers. One coach went south at night and the other went north usually about noon.

They always had two drivers, one for each way. Colbert kept around 100 head of hogs and milked eight to ten cows. He owned a ranch about twelve or fifteen miles northeast, where he kept several hundred head of cattle. After a few years he moved all his cattle up near Erin Springs where he broke out a large farm and fed his stock of beef cattle. His oldest son, Martin Colbert, had charge of this farm.

Well, that Sunday night I put my feet under a table and slept on sheets for the first time since leaving Clark county, Missouri. I got down to the boat next morning and found two negroes running it when I took charge. The boat carried four two-horse



COUNTRY HOME OF B. F. COLBERT

wagons. The toll was \$1 for a two-horse wagon, \$1.25 for four-horse wagons and \$1.50 for six horse wagons; 25 cents for man and horse, and 10 cents a head for loose cattle or horses.

There was very heavy immigration all through '71 and '72 and we would put across from 25 to 200 wagons per day besides loose stock; it was also the main road for freight between Fort Gibson and Sherman, Texas.

The freight wagons were from four to six mule teams with trail wagons and ox wagons from four to five yoke of steers to each wagon besides trail wagons. Their load would weigh 30 or 35 hundred weight on front wagons and 20 to 25 hundred weight on the trail wagon. There would be from 20 to 30 teams to an outfit under a wagon master. The boat ran on a cable across the river and made a round trip in 25 to 40 minutes if we had no trouble and a good current. But many times we had trouble with the teams coming on the boat and sometimes with the drivers.

We had to deal with all kinds of people, good and bad, and sometimes they would walk up to me, talk a while and say, "You're an Irishman," or German or a Frenchman. I told them "Yes" generally and they would ask from what part of the country—or what town if they were foreigners. Being fairly well posted in European geography, I would name some town, and they went away pleased, thinking they had found a fellow countryman.

There was a store on the Texas side about 200 yards from the ferry landing. In it were sold groceries, some dry goods and whiskey—it was called the "First and Last Chance." Coming from the north it was the first chance to get whiskey and was the last chance, if going north. It did a good business. There were only two houses between the river and Carriage Point, a distance of 12 miles. The first house was Dan Collins' on this (south) side of Colbert Station. At Carriage Point, Calvin Colbert, a half brother to B. F. Colbert, had a farm and ranch.

There was no Durant then, or Calera, or Caddo. Up the river (west) there were only two or three farms; first was J. A. Smith's, then Jim Colbert's, then old Sam Love's. For ten miles

down (east) the river road to Bloomfield there were two places, Charles Eastman's and Holmes Colbert's, the latter a cousin of Frank Colbert. Northeast about six or seven miles there were a few Indians by name of Hillhouse, and old Abijah Colbert, an uncle of B. F. Colbert, and some others around Bloomfield. There were a good many also towards Tishomingo and Rock Creek.

If you found a trail through the woods, you would come to an Indian's cabin. They all lived away from any road. You could get on your horse and take a course with no fences to bother you. Grayson County, Texas, was very thinly settled then. Sherman, Texas, was our nearest town and it was just a very small place. There wasn't even a dwelling house and garden on the west side of the square.

The Indians used to bring down ponies to sell or trade for whiskey and tobacco. The store would not buy them, so I bought a good many. There was another store a little over a mile south of the river on the road owned by John Maupin and Jim Maupin, his brother.³ John was one of Quantrell⁴ and Anderson's men, and when I did not buy they did.

Nearly every week or two, Indians would come four or more in a bunch, go across to the store and stay a few hours, come back loaded down with whiskey and feeling good. Then I had to keep my eyes open for they would shoot and we would have trouble. One day six of them came, stayed a few hours, then came back. Jim Hillhouse was Indian sheriff and he used to watch for them. That day he had been on the lookout, and when he met them at the turn of the hill not over 75 yards from the boat landing they went to shooting. Jim had the Indian constable with him.

³ John Maupin, whose full name was John Rice Maupin, settled on Red River at Colbert in the Chickasaw Nation immediately following the Civil War. He was the son of John Harris Maupin and his wife Margaret M. Thompson, born Sept. 15, 1843, at Nicholasville, Ky., his family settling at Westport, Mo., in 1858. On March 28, 1872, he married Helen Eastman, a member of the Chickasaw Tribe. He died at Colbert on December 15, 1884. His full brother, William B. Maupin, who also served in Quantrell's command, joined his brother at Colbert, Indian Territory, in 1880, and died at Durant, Oklahoma, on January 31, 1919. Helen Eastman was born October 15, 1849, and died April 11, 1923. Lelah Maupin, their daughter, born February 9, 1874, married Arthur N. Leecraft January 9, 1893, and died July 27, 1921.

⁴ *History of Quantrell* by J. P. Burch, of Vega, Texas, pp. 188, 218, 220, 223, 228, and 229.



JOHN RICE MAUPIN

When the shooting began my two negroes ran down the river and crawled up the bank to see it. I sat on the boat until they came back to tell about it. Five of the Indians and two horses lay dead. Where I was I could not see any of it, but heard bullets whistle. There were several other killings before and after that. In those days there were two laws, the Indian law if they killed one another; but if a white man killed an Indian or the Indian killed a white man the U. S. law took hold of it.

There were several deputy Marshals scouring the country all of the time, but it might be several months later before any arrests were made and many times none were made. It was a lawless country. People had to go to Ft. Smith to court and possibly stay there months before their case came up, so they kept their mouths shut.

It was in 1872 that Colbert rented out a half interest in the ferry to John Maupin. Maupin moved his stock, put them both together. C. Gooding and Jim Colbert moved back home. I was sorry to see them go; both were fine men and Jim Colbert was just as fearless as they make them. Jim Colbert had charge of the store and I had the boat; we got along just fine, tho Jim was rather reckless sometimes.

As travel was getting heavier one boat could not do the work, so about the first of March they put in another boat. Each boat could carry six to seven two-horse wagons. The upper boat ran on a steel cable moved down just far enough apart so that the two boats would not collide. I had now to look after both of them. Times were surely getting hot. The railroad bridge was building. Railroad outfits moving back and forth, and the further down the M. K. & T. got the more freight wagons crossed the river.

Denison started to be a town, and it surely was a tough one. Towns north started as the railroad came along. The Texas Central was building at the time, and Warner was its (north) terminus. Several houses were built down in the bottom and a depot and town-site laid off with a man by name of Captain Faulkner selling town lots. There were two saloons, a dance hall, a hotel, and a

few dwellings, a turn table for cars, two or three big wells. Both tracks (M. K. & T. and H. & T. C.) ran side by side up to Denison.

Finally they compromised but for a good while we thought the town would be in the bottom. Frank Colbert, John Maupin, Thornton Downing, and I bought 20 acres of land in an addition to Denison from Joe Lain, a farmer. Their one-half of it was on Main St. north—now worth millions. We got afraid that the town was going to be in the bottom and Colbert received a tip that it would be, so he and Maupin sold out to Munson. Colbert kept after me to sell night and day but I still held; he said that the town would be in the bottom, said he got it from the chief engineer, so I sold, like a fool, only doubling my money. Downing sold soon after that, but Denison kept growing.

John Maupin, as I stated previously to this, was in Quantrell's and Anderson's command in time of the Civil War, and the James boys, also Cole Younger and some others were comers and goers with us; got well acquainted with them. Frank James went by name of Frank Rapp, Jesse by name of Williams. If I had time and space I could relate many funny incidents, that occurred between them and the Denison and Sherman officers.

There was at one time a company of soldiers camped at Colbert Station two or three weeks. Every few days some of the officers would cross and go to Sherman and back. One morning the Major came down to the boat with two or three soldiers and a four horse wagon. He had with him another man in civilian's clothes and when they walked up to me the Major said: "Mr. Malcolm, let me introduce you to Mr. Fred Grant, President Grant's son." I replied jokingly, "Major, you are giving me taffy." "No," he said, so I shook hands with Mr. Grant. He was a gawky, fleshy looking fellow, as I remember.

Along towards Fall travel became very heavy and the railroad bridge was nearing completion. Christmas came and the first passenger train went across on Christmas afternoon, 1872. Soon after that all freight wagons stopped and our travel was cut half.



HELEN MAUPIN
Wife of John Rice Maupin

The year 1873 came and they discontinued one boat, and Colbert and Maupin audited up the books, then settled up with all hands. When my turn came, Maupin and I had some hard words over our settlement. I told Mr. Colbert to look out for another man to take my place. "Oh, no," he said, "Maupin will have nothing to do with the ferry this year; only one-half interest in the store, so you just keep going; I will raise your wages." So I stayed. B. F. Colbert was one of the best men I ever worked for. He was strictly honest and a perfect gentleman in every sense of the word, and expected every one else to be the same.

The year 1873 wore along with just about the same routine. Mr. Colbert got to studying about a bridge. He and I had several conversations in regard to it that spring and he went to Washington to see about getting a charter. Gov. Throckmorton of Texas and others assisted him in getting it. When he came back he told me that he got an introduction and shook hands with the President, and he was surely proud of it. I asked him if he would not have to get some authority from Texas. "No," he said, "the Chickasaws claim to the high water mark on the south side of Red river and when I sold my land over in the bottom I reserved the right for a boat or bridge landing and a way out." Finally he got his charter that Fall. He let the contract for building the bridge to a man by the name of Baker, I forget his initials.

They started work—I think it was in 1874, but the old ferry boat kept making its regular trips across the river, with its various troubles though with a greatly decreased travel, although the country commonly called "the Nation" was certainly increasing in population both in town and country. Work on the bridge began in the Spring but progressed very slowly. Travelers in wagons still kept coming, but we had no more freight wagons except a few from Sherman up to Pauls Valley.

The Fort Sill people hauled their supplies from Colbert Station and Caddo. Durant did not increase very fast; Caddo was far ahead of it at that time. Durant was a very small depot and Charley Case was both night and day agent, and telegraph operator. Col-

bert, Maupin, and Gooding put a store at Colbert Station. Charley Kingsberry was postmaster. Then Frank Colbert put up a custom corn and flour mill, a small cotton gin and saw-mill, all combined in one three-story house.

The bridge was finished either in 1874 or '75, I forget which. However, it only stood about eleven months and a few days, for I tended the bridge all the time. In August '75 or '76 there came the biggest overflow that was known on Red River. The railroad bridge went out first. One span of it floated down and lodged against the north pillar of the wagon bridge, but did not even shake it. There was a heavy drift of logs and trees coming down and much of this lodged around the middle pier. Sometimes it would break loose then big cotton-wood trees would strike it endwise and bounce back like rubber balls. Frank Colbert and I measured how far the bridge stood above the water. It measured fourteen feet from the bridge to the water. It was guaranteed by the contractor to stand up to twelve feet, but the center pier was battered off the piling by the heavy drift. I was out on the north span and a boy by the name of Liddell was about twenty steps behind me, when the pier and the two middle spans went out and the boy went down with the wreck.

It did not take me but a few seconds to get off the span. We shouted to the boy to stay on the wreck, that we would send the skiff after him. A man by name of George Hall ran down to where the skiff was tied and put out after the boy finding him about 20 miles below, where the wreck had lodged on the Texas side of the river. He got back home next day.

Thirty thousand dollars were gone in a few minutes, the cost of the bridge. The south pier and abutment went out that evening, leaving one pier on the north side with the span still standing, which stayed there for several years. That night Colbert told me to be ready to go to Atoka to make out a bill of lumber for another boat. Next morning he got off a little before I did and when I got up to Colbert, Maupin met me a short distance from the depot, and told me that there were a lot of men at the depot marooned.



W. B. MAUPIN

Frank Colbert met me at the end of the platform and said that about thirty men wanted to get across the river if I could put them over and that Harding, the Superintendent, (of the M. K. & T. R. R.) was among them. Colbert introduced me to them telling them they could trust in what I said. Harding then asked if I could get them across, I told them I could if I had a small boat, but had none as the small skiff we owned got away last night. Maupin spoke up and said that a pile of lumber near at hand was his and to help myself. I got a carpenter to help me. Harding asked him how long it would take; I told him until about two o'clock. We went to work and had a skiff finished by two o'clock.

Harding had an engine and a flat car to take us all to the river; when we got there I asked who wanted to go first. I think Harding said he would. I asked him if he could swim and he said yes. I took him alone the first trip to see how things went, for there were large shirls in the river and if the skiff got into one of them we might have to swim. We prepared for it by taking off part of our clothes, but got along fine. There was a train standing on the Texas side track partly in the water, but I got all the men across that evening.

Harding asked me if I would transfer the mail and passengers for the next few days. We arranged a trade that night. I made another pair of oars so that two of us could row the boat as it was too hard a job for one man. We transferred passengers and mail for over a week. At about ten A. M. came one train and at eight to nine P. M. came the other. Finally the railroad company got a boat built after about seven or eight days.

When the lumber arrived for Colbert's boat, Harding wanted to keep me, but I had promised to help Mr. Colbert, so with the aid of a carpenter and some other help we had the ferry running again in about ten or twelve days. The boat was 80 ft. long by 16 ft. wide. We had to run it by oars until we got a cable again and I had charge of it for over a year.

I then rented for two years, married the second year, in 1879 and moved to Texas on a farm that I had bought a few years be-

fore. I lived there two years and sold out everything but six horses and a mule. I was getting ready to go to southern Texas. I went to Denison one afternoon and met Frank Colbert who wanted me to take the ferry, farm, and mill at Colbert Station, and the prairie farm.

We arranged a trade, and I took possession Jan. 1, 1883. Colbert was at his cattle ranch on the Washita for four years more. Then I had to quit the river on account of my health. About two years previously Colbert built on the hill⁵ above the ferry a large two-story house of eight rooms. There were around 800 acres in cultivation in the Ferry farm with a pasture of 300 or 400 acres. The prairie farm had 240 acres at that time and he had more broke out until there were over 600 acres.

I have related a few incidents which happened, but many I have not told, though some were funny and some rather serious. Many an evening Mr. Colbert would relate stories of the time when the government moved the Choctaws and Chickasaws to this country, and how he got the river farm and the ferry. He was about one-eighth Indian, a Royal Arch Mason, a splendid business man, and the best friend I ever had.'

⁵ The foregoing statement was taken by Dr. W. B. Morrison, of Durant from John Malcolm during his lifetime. The pictures of B. F. Colbert, of his home, and of John Maupin, and of John Malcolm were also procured by him with the assistance of others. Dr. Morrison wishes to acknowledge the valuable assistance of Judge R. L. Williams in securing the material for the notes accompanying this article.

Chief Lewis Downing and Chief Charles Thompson (Oochalata.)

By
John Bartlett Meserve.

The church exerted a compelling influence in the political life of the Cherokees in the West. This was particularly true of the Baptist churches, the membership of which far exceeded that of all other religious sects and whose ordained spiritual advisers became recognized counsellors in the political affairs of the Cherokee Nation. Chief John Ross, although himself a Methodist, was attentive to the counsel of Evan Jones, his son John B. Jones, Jesse Bushyhead, Lewis Downing, and Charles Thompson, each of whom was an ordained minister of the Baptist faith. Downing and Thompson served as chiefs of the Cherokee Nation, the latter being succeeded by Dennis W. Bushyhead, a son of Rev. Jesse Bushyhead. This influence was unfailing in its fidelity to the highest purposes of the spiritual, political, and social welfare of the Cherokee people.

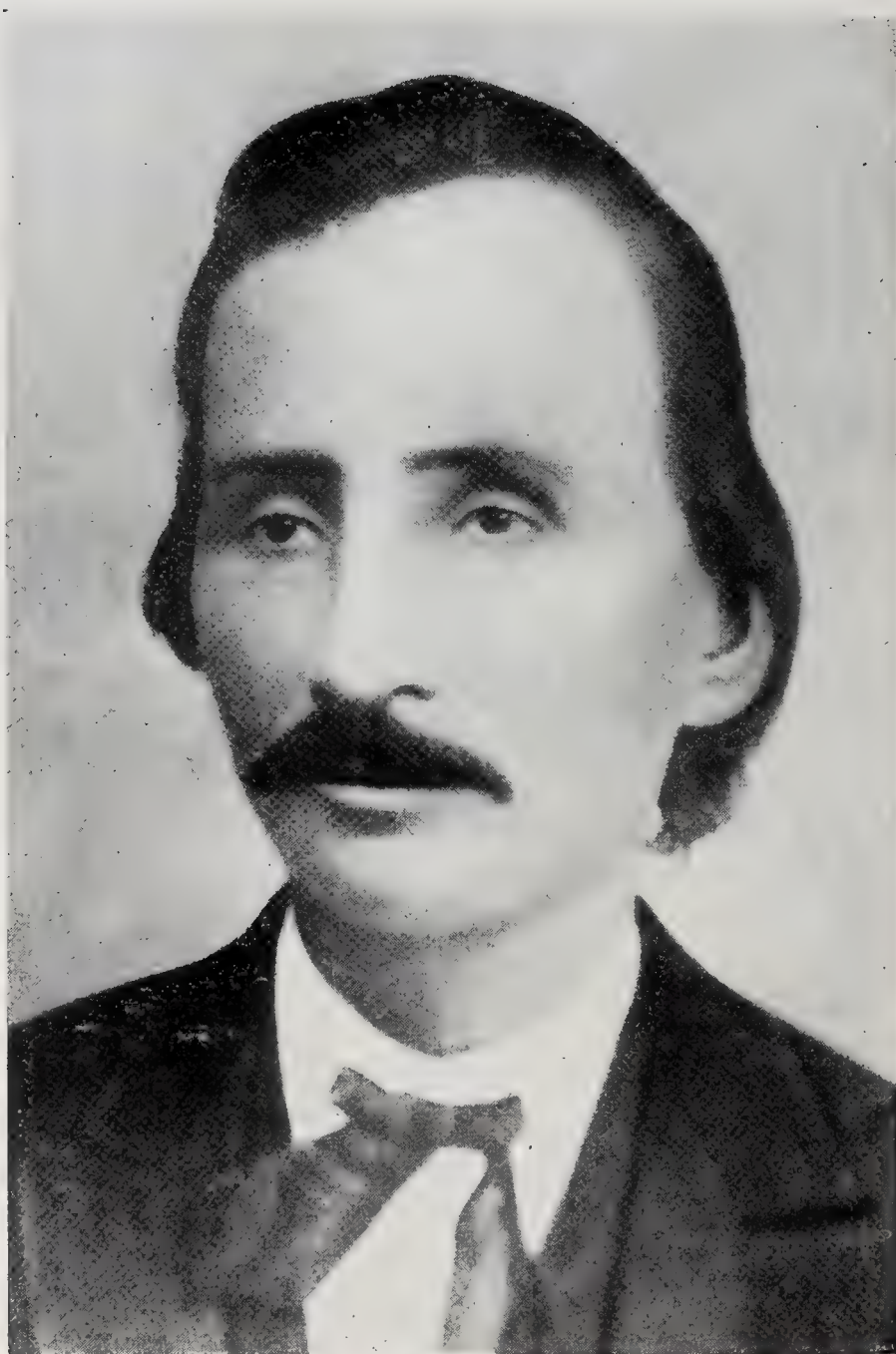
¹The influence of Evan Jones and of his son John Buttrick Jones forms an arresting chapter in the history of the Cherokees. Evan Jones, the famous Baptist missionary, was born at Brecknockshire, Wales, on May 14, 1788, where he married Elizabeth Lanigan and came to America, arriving at Philadelphia early in 1821. He had been a communicant of the Church of England, later a Methodist, but very shortly after his arrival in America became a member of the Baptist church. A month later, he enlisted as a Baptist missionary to the Cherokees arriving at Valley Town, North Carolina in September, 1821, where he taught in a mission school. He was ordained to the Baptist ministry and became a most potent factor in shaping the spiritual lives of the young Cherokees. Through his patient efforts, many of his pupils became native ministers among the tribe, not least of them being Jesse Bushyhead and Lewis

¹ The writer acknowledges his indebtedness to Mr. John J. Harrison, of Holdenville, Oklahoma, for much valuable information. Mr. Harrison is a great grandson of Rev. Evan Jones and a grandson of Rev. John B. Jones.

Downing. His wife died at Valley Town on February 5, 1831, and later he married Pauline Cunningham. Evan Jones joined with Rev. Jesse Bushyhead in leading a contingent of the Cherokees in their removal to the West. This party departed from the East on October 9, 1838, reaching their destination near where today is situated the town of Westville, Adair County, Oklahoma, on February 23, 1839. The Baptist Mission was established by Evan Jones and Bushyhead, some four miles northwest of Westville and here Jones resumed his spiritual labors among the Cherokees until his death on August 18, 1872. His wife died September 17, 1876, and both rest in the cemetery at Tahlequah where their graves are suitably marked. Evan Jones was a close friend and confidant of Chief John Ross and enjoyed an intimate acquaintance with the celebrated John Howard Payne.

John Buttrick Jones, a son of Evan Jones and Elizabeth Langan, his wife, was born at Valley Town, North Carolina, on December 24, 1824, and came with his father to the old Indian Territory in 1839. He graduated from the University of Rochester, New York in 1855, where he was ordained to the Baptist ministry on July 14, 1855, and where he married Jennie M. Smith in October 1855. The young graduate immediately joined his father at the old Baptist Mission near Westville and thereafter devoted his life to missionary work among the Cherokees until his death at Denver, Colorado on June 13, 1876. Both he and his wife are buried in the Riverside Cemetery at Denver where their graves are marked. The young missionary became an interpreter for his father and enriched the spiritual lives of the Cherokees by his Bible translations. He served as chaplain of the Third Regiment of Indian Home Guards, a Cherokee regiment in the Union army in the Civil War, and, as a delegate from the Cherokees, signed the ²Treaty of Washington of July 9, 1866. John B. Jones was the dominant spirit in forming the Keetoowah Society in 1859 and in directing its activities. This organization, composed mostly of full blood Cherokees, became a potent factor in the political affairs of the Cherokee Nation for many years.

² Kappler, Vol. II, p. 942.



CHIEF LEWIS DOWNING

Evan Jones and John B. Jones, his son, were highly influential in the political concerns of the Cherokee Nation from 1839 to 1867. That influence lingered thereafter until Cherokee tribal affairs were finally closed up. They were able to marshal behind them the full blood members of the tribe who were vastly in the majority during those years. Their influence was exercised in a purposeful way and for the best interest of the Indians and to the sterling character of these two unselfish leaders, the Cherokees are indebted. They and their families were admitted into full tribal membership by act of the Cherokee Council, in 1868.

The Valley Town Mission over which Evan Jones had presided from 1821 to 1839 became the Baptist Mission near Westville from 1839 to 1867 when it was removed to Tahlequah by Rev. John B. Jones. In 1885, the Mission was again removed to Muskogee, its name changed to Bacone University and is today continuing its splendid service.

Lewis Downing (Lewie-za-wau-na-skie) was born in Eastern Tennessee in 1823, being a son of Samuel Downing and Susan Daugherty, his wife. She was a daughter of Cornelius Daugherty, an Irishman, and his full blood Cherokee Indian wife. Samuel Downing was a son of John and Jennie Downing and this John Downing was a son of Major Downing and his Cherokee wife. Major Downing was a British army officer and supervised the manufacture of powder for the troops.

Young Downing came west with the party led by Jesse Bushyhead and Evan Jones in 1839 and settled near the old Baptist Mission near Westville, in Goingsnake District and in what is today, Adair County, Oklahoma. He attended school at the Valley Town Mission and later at the Baptist Mission under the tutelage of Rev. Evan Jones. Early in life, he became a convert of the famous missionary and subsequently was ordained to the Baptist ministry. Reports of his spiritual activities reach back to 1842 when he was but nineteen years of age. On August 3, 1844, he was unanimously chosen pastor of the Flint Baptist Church, succeeding the Rev. Jesse Bushyhead who had passed away shortly before. The ef-

forts of Lewis Downing during those early years were devoted to his Baptist ministry in which he was aided by Rev. Evan Jones.

The young minister was a strong adherent of the Ross faction in Cherokee Nation politics and as such was elected senator from Goingsnake District on August 4, 1845. He later removed to a farm on Spring Creek, Saline District and in what is today the southeast corner of Mayes County, Oklahoma, where he was elected to the senate on August 4, 1851, and again on August 1, 1859. He was sent as a delegate from the tribe to Washington in 1851. His political activities ran contemporaneously with his spiritual labors.

Came the Civil War with its potential menace of tribal dissension among the Cherokees and the rather halting assent of Chief John Ross to an alliance with the Confederacy. The smoldering embers of discord lingering from the Ridge-Boudinot assassinations of 1839 seemed ready to burst forth anew but were promptly suppressed by the astute Chief when he formed the First Regiment of Cherokee Mounted Rifles for the Confederate service at Park Hill on October 4, 1861. Lewis Downing was named chaplain of companies F and S of this regiment of which Col. John Drew was the commanding officer. The members of this regiment were mostly full bloods, were not slave owners and, at heart, were abolitionists. They were probably mostly members of the Keetoowah Society. This regiment fought in the Confederate service at Pea Ridge, Arkansas, on March 7-8, 1862, but with the advance of the Union forces into the Territory in July, 1862, and the departure of Chief John Ross for Philadelphia, its members began to waver in their allegiance to the South. With few exceptions, among them being Col. John Drew, the members of this regiment began to abandon the Confederate service and, on July 11, 1862, at Flat Rock Creek, joined in forming the Third Indian Home Guards for service in the Union army. This contingent was composed of three regiments consisting of 1480 men, of which Lewis Downing was named Lieut. Colonel and the Rev. John B. Jones was designated its chaplain, in the brigade of Col. Wm. A. Phillips. Rev. John B. Jones and his father, who were

abolitionists, had been influential in provoking this change. The cleavage so created resulted in the formation of dual governments in the Cherokee Nation, each striving to control its political affairs. The Union Cherokee government, which recognized John Ross as chief, held its meetings at Cowskin Prairie where, in July, 1862, allegiance to the Confederacy was renounced and on February 21, 1863, laws of emancipation were enacted and future slavery abolished. Chief John Ross being absent in the East, the political affairs of the Union Cherokees were managed by a coterie of leaders, of whom Lewis Downing was the presiding spirit. This duplication in Cherokee tribal governments obtained from July, 1862, until the conclusion of the war.

Lewis Downing, who was president of the Union tribal council, went to Washington, in 1863 to enlist the attention of the government in the Cherokee situation. After the conclusion of the war, a preliminary intertribal peace conference with the United States commissioners, was held at Ft. Smith. This meeting was opened on September 8, 1865, by prayer offered by Rev. Lewis Downing. It was at this meeting that Lewis Downing protested against the refusal of the commissioners to accord recognition to John Ross as the chief of the Cherokees. Ross returned to Tahlequah for a brief period in the fall of 1865 but returned to Washington the next year to urge his protest against the approval of section nine of the treaty of June 19, 1866, wherein the Cherokees were required to adopt their former negro slaves into tribal membership. The provisions of this disputed section were approved by the Rev. John B. Jones who accompanied the old chief as a delegate and who signed the treaty as such.

Chief John Ross passed away at Washington on August 1, 1866, and Lewis Downing automatically became chief of the Cherokee Nation serving as such until October 19, 1866, when William Potter Ross was chosen by the council to fill the vacancy.

Much bitterness lingered between the contending elements among the Cherokees, following the cessation of hostilities. These sentiments were not entirely indigenous to the Cherokee Indians,

but extended throughout the country. The problem of "binding up the Nation's wounds" became one which lay in the years ahead. Among the Ross faction of the Union Cherokees were many who insisted upon the exclusion of the Confederate Cherokees from all participation in tribal affairs. There were sentiments that the penalties for their Southern activities had not been entirely exhausted. Already, many drastic, illogical things had been done. Lewis Downing was opposed to any discriminating policies and at this initial point, his sentiments of tribal unity were crystalized by the formation of what was to become known as the Downing Party, in the political life of the Cherokee Nation. Rev. John B. Jones threw his power and influence among the full bloods, behind the Downing movement which was to rehabilitate the Southern Cherokees and align them with the erstwhile Union Cherokees, without favor or discrimination. The success of the movement was reflected in the tribal election held on August 5, 1867, when Lewis Downing was elected chief of the Cherokees, having behind him the support of both factions. Faithful John Buttrick Jones rendered no greater service to the Cherokees than he did in the summer and fall of 1867. The Downing party thereafter controlled the political affairs of the Cherokee Nation until Statehood save for the regime of Chief Dennis W. Bushyhead of from 1879 to 1887.

The tenure of Chief Lewis Downing were the years of reconstruction among the Cherokees. In his efforts, he enjoyed the full confidence of all factions as he strove to harmonize the discordant elements. Indicative of his attitude toward the Southern Cherokees are the words from his first message to the Council in the fall of 1867, wherein he says,

"By the treaty of 1866, Canadian District was set apart as a sort of land of refuge for that portion of our people who sided with the Confederate States in the late war. In making this arrangement, some important distinctions were made between the rights and remedies of the people of this district and those of the rest of the Nation. These distinctions were made at the earnest and persistent solicitation of certain gentlemen sent to Washington as the representatives of the Southern Cherokees. The reason assigned for these distinctions was, that the South-

ern Cherokees could not with safety reside among the rest of the people, or get justice in their Courts, on account of the part they had taken in the late war. But all the Southern Cherokees know now that all such fears are groundless, for notwithstanding the setting apart of Canadian District as above named, a large majority of the Southern Cherokees have returned to their Old Homes in the other districts and live there among the rest of the people in peace and security. The very great importance of the entire unity of our Nation cannot have escaped your attention. Our laws should be uniform, the jurisdiction of our Courts should be the same over every part of our Nation and over every individual citizen. It is for the interest of the people of Canadian District as well as for the interests of the people of other Districts, that every line of distinction be blotted out. That we should be one in our laws, one in our institutions, one in feeling and one in destiny. I, therefore recommend that the Council adopt immediate measures for bringing about the removal of all such distinctions."

These words are reflective of the Christian leadership of Chief Lewis Downing and were uttered at a crucial period.

Lewis Downing signed the ³Treaty of April 27, 1869, at Washington and also represented the Cherokees at Washington as a delegate in 1869 and in 1870. The re-election of the chief on August 7, 1871, was an evidence of the satisfaction of his people with his regime. He died in office at Tahlequah, on November 9, 1872, and is buried in the old Ned Adair cemetery southeast of Choteau, near his old farm home on Spring Creek and in what is today, Mayes County, Oklahoma.

The chief was married three times, his first wife being Lydia Price after whose death he married Lucinda Griffin. A touch of romance colored his third marriage. Upon one of his numerous trips to Washington, the chief formed the acquaintance of Mary Eyre, a white lady and a widow of some reputed means. The famous Cherokee was rather handsome and attractive, or at least so thought the Washington lady, because she came west and established her home at Tahlequah, although she was well aware that he had an Indian wife and children with whom he was living. She patiently nursed her infatuation, awaiting the turn of the

³ Kappler, Vol. II, p. 996.

Fates in her favor. The Indian wife of the chief passed away and, a year later, he wedded the persistent widow in whose companionship he spent the last two years of his life. She died two years later and is buried in the cemetery at Tahlequah.⁴ Truly, the old Cherokee capital has a wealth of romance and history.

Lewis Downing was a convincing public speaker wherein he used the Cherokee tongue although he well understood and spoke the English language. He bore himself with dignity but with a poise that was pleasing and an approach that was easy. His fine judgment accomplished the reuniting of the discordant Cherokee factions growing out of the Civil War. Chief Lewis Downing was one of the noblest characters in Cherokee history.

One of the most unusual and engaging characters of the political life of the Cherokees, was Oochalata, who in his later life adopted the name of Charles Thompson. Intimate details of his early life are still fugitive. He was born in the Cherokee country in the East sometime during the early decades of the last century, his father being a full blood Cherokee Indian. The mother of Oochalata was a white woman but who spoke and understood only the Cherokee language. This anomalous situation suggests that her residence among the Indians was occasioned by the tragedy of her abduction by some wild band of Cherokee Indians in the East during those early days of settlement by the whites. Not infrequently were children of tender years torn from the arms of pleading mothers and borne away never again to be seen by the stricken parents. The faithful mother of Oochalata never knew from whence she came. She was reared by and subsequently married among the people who had enforced her adoption. She came with her son in one of the numerous removal caravans of the Cherokees to the old Indian Territory in 1839 and settled at the head waters of Brush Creek in what is today, Delaware County, Oklahoma.

The educational advantages of the young Indian were limited to a brief attendance at the Baptist Mission near the present town

⁴ See *Around Tahlequah Camp Fires*, by Ballenger, p. 60.



CHIEF CHARLES THOMPSON
(Oochalata)

of Westville where he was taught by the Rev. Evan Jones and where he became a member of the Baptist church. The influence of Evan Jones and his son John B. Jones left a lasting impress upon the young man. The efforts of these two famous missionaries among the Cherokees were to promote an interest in political affairs as well as in spiritual matters. They aroused the Indian to an active interest and participation in the concerns of his tribal government. It was a policy of making good citizens as well as good Christians. Oochalata joined the noted Keetoowah Society upon its organization in 1859 by Rev. John B. Jones. Among the early principles of this society was that of the abolition of slavery.

When the Civil War came, Oochalata enlisted in the First Regiment of Cherokee Mounted Rifles at Park Hill, on October 4, 1861, for service in the Confederate army. Col. John Drew was the commanding officer of this regiment. Oochalata later joined with other members of this regiment in renouncing this enlistment and at Flat Rock Creek on July 11, 1862, enlisted in the Third Indian Home Guards of which Col. Lewis Downing was Lieut. Colonel, for service in the Union army. He was a corporal in this contingent and served faithfully until the conclusion of the war.

Soon after the war, Oochalata removed to lands on the Spavinaw near the mouth of Rattlesnake Creek and in the proximity of where is today the inland town of Eucha, in Delaware County. Here among the picturesque hills, he constructed a log cabin home and engaged in farming and stock raising after a modest fashion. His interesting mother passed away shortly thereafter and rests in an unmarked grave near the old home place. The cabin fell into decay many years ago, but has been rehabilitated and is today the summer home of a Tulsa citizen. A copious spring flows from a cave above the home and because of its approach was called Powderhorn Spring. The reconstructed summer home is called Powderhorn Place. Oochalata established a trading post at this place and evidenced much thrift in his operation. Oochalata also engaged in occasional practice before the tribal courts but his alliance with the legal profession was to embarrass him later in his

religious ministerial activities. The spiritually minded Cherokees, at that time, did not evidence much confidence in practitioners at the bar.

The political life of Oochalata had its inception in 1867, when he was elected as senator from the Delaware District to the Cherokee National Council. He served in this position until 1873. When he entered the political arena, he assumed the name of Charles Thompson, taking the name from Dr. Jeter Lynch Thompson whom he succeeded to the senate, and by that name he was known until his death. He assumed a prominent place in the Cherokee senate and was designated by that body to act as Chief during the days of the last illness of Chief Lewis Downing.

William Potter Ross was named by the council to fill out the unexpired term occasioned by the death of Chief Downing but at the election of August 1, 1875, Ross was defeated in his efforts for reelection and Charles Thompson was chosen. Thompson was the candidate of the Downing party and had the backing of John B. Jones, the Baptist missionary. He served the four year term, being succeeded by Dennis W. Bushyhead. The political experience of the new chief was rather limited as was also his scholastic training. He was, by nature, shrewd, frugal, and honest and these qualities reenforced the conservative judgment which he possessed. These natural attributes of his untrained character give one pause in thought of his interesting mother. His tenure as chief was uneventful and no perplexing conditions confronted him. There were some sporadic acts of lawlessness but these were usually committed by white intruders and a safe disposition of them usually was made by Judge Isaac Parker at Ft. Smith. The white intruders, however, engaged the thought of Chief Thompson as is evidenced by his expression to the Council in his message in the fall of 1876,

“There is another element in our midst that is also a fruitful source of crime and trouble. I have reference to that population who are here apparently without any right whatever, among the number we may enumerate those white families who have come from different States with all their stock, in violation of the intercourse laws and claim to be here under permits from the Cherokee Nation, but by careful examination you will find nine tenths of them have no permits at all.”



The reconstructed log cabin home of Chief Charles Thompson, near Eucha, Delaware County, Oklahoma, and which is owned by James A. Pilkington, who did the work of rehabilitation. The fire places at each end of the house are the only portion of the old cabin as constructed by Chief Thompson, that remain intact.

Upon his retirement from office, the Chief returned to his home on the Spavinaw and resumed his trading operations. He preached, each Sabbath, at the old Indian church at the Eucha settlement. Chief Thompson, in his public speaking, used the Cherokee language, although he well understood and spoke English. He became totally blind, in the autumnal years of his life and passed away at his home on June 22, 1891, and is buried in the old Indian cemetery at Eucha where his grave is marked.

The Chief was a devout Baptist, had preached to a considerable extent but had been denied the robes of ordination because of his legal profession. When he became chief, these alleged disqualifications were ignored and he was duly ordained to the Baptist ministry. He married Rachel Sudee, a full blood Cherokee Indian woman, who survived him.

In the eccentric chief, we glimpse the Cherokee Indian of the Oklahoma Ozarks who dominated the political affairs of the Nation during that early period. The early Indians of that section were a patient, God-fearing people with a *laissez faire* attitude toward their political concerns. Today, among the hills of Delaware and Adair Counties may be found the remnants of an heroic past, among the stoical full blood Cherokees, who are now loosely referred to as the "Night Hawks" and who attend the Baptist church each Sabbath, and lead cloistered lives in a near communion with nature.⁵

⁵ Judge John B. Meserve is an attorney living at Tulsa, Oklahoma. He has contributed a number of articles to *The Chronicles of Oklahoma*.

Homesteading in Northwestern Oklahoma Territory¹

By

Roscoe E. Harper

At statehood² Harper County was formed out of the northwestern portion of territorial Woodward County. Woodward County, then 60 miles square, was the westernmost county of the Cherokee outlet and adjoined Texas and the Oklahoma Panhandle on the west and Kansas on the north.

The United States originally granted to the Cherokees those lands in the northeastern part of Oklahoma included in what was known in territorial days as the Cherokee Nation. The southwest corner of this nation is at the southeast corner of Osage County, on the northwestern boundary line of the City of Tulsa. There was also granted to the Cherokees certain land lying west of the Cherokee Nation known as the Cherokee outlet.

This outlet was bounded on the east by the 96th meridian, which is the eastern boundary line of Osage County; on the north by the State of Kansas; on the west by the 100th meridian, which is the western boundary line of Oklahoma except the panhandle; and on the south by the north boundary lines of the Creek Nation, of the original Oklahoma territory, and of the Cheyenne and Arapaho reservation. The south boundary line of the Cherokee outlet is 60 miles south of and runs parallel to the Kansas boundary line. It commences at the southeast corner of Osage County adjacent to the City of Tulsa, and extends westward to the Texas line. Situated within the Cherokee outlet are the present counties of Osage, Paw-

¹ This article was prepared as a paper for the Novel-Drama Study Club of Tulsa, Oklahoma. It was read to that club on September 27, 1937, in connection with a series of programs upon Oklahoma history.

² For many years prior to statehood I lived with an uncle on his claim in that part of northwestern Oklahoma territory now included in Harper County. In this paper I shall relate some of our experiences as pioneers. The history of Oklahoma will be touched upon only when necessary to an understanding of conditions and events.

nee, Kay, Noble, Grant, Garfield, Alfalfa, Major, Woods, Woodward, and Harper and portions of Ellis and Payne counties.

Thus the Cherokee outlet was in the form of a rectangular strip lying south of and along the Kansas border, approximately 225 miles east and west, and 60 miles north and south. From its shape it became known as the Cherokee strip or as "The Strip."

After the Civil War the cattle industry developed in the southwest and especially in Texas. The cattle were driven from Texas across Oklahoma to Abilene, Kansas, as soon as the railroad reached that point, for shipment to the eastern markets. Later a railroad was extended to Wichita and for a time it became the main shipping point. As the railroads extended further westward in Kansas other shipping points became more accessible. Finally the railroad reached Dodge City situated on the 100th meridian about 60 or 70 miles from Oklahoma, and this became perhaps the most notorious shipping point of them all. Cattle driven from Texas to Dodge City passed through that part of the Cherokee outlet where I later lived.

At first the cattlemen grazed their cattle in the Cherokee outlet only while driving them across. No doubt cattle were allowed to feed in the outlet for rather long periods during these drives because of the abundance of good water and grass. Soon the cattlemen deliberately grazed their cattle in the unoccupied Cherokee strip. At first they did so without authority. About 1879 the cattlemen made arrangements with the Cherokee Indians for the pasturing of their cattle in the outlet at 25 cents per head, later increased to 45 cents. In 1883 a cattlemen's association with governmental approval leased the Cherokee outlet from the Cherokees for five years at a rental of \$100,000.00 a year; and in 1888 a second lease for five years at \$200,000.00 per year was obtained. This last lease expired in 1893.

There had been considerable agitation for the opening of the Cherokee outlet to settlement. The United States negotiated with the Cherokee Nation for the purchase of the outlet in order to open it for settlement. Theretofore the government had purchased

from the Cherokees the eastern part of the strip as a reservation for the Osage tribe which became Osage County. Also the government had purchased from the Cherokees other eastern portions of the Cherokee outlet as reservations for the Pawnees, the Kaws, and some other tribes located near Ponca City. With the exception of the land granted to these tribes of Indians in the eastern part, the strip remained unoccupied until 1893 except by the cattlemen under the five year leases.

In 1893, the United States purchased from the Cherokees the outlet then remaining, consisting of about eight million acres, at about \$1.25 per acre. This purchase was made with some difficulty because of an offer of the cattlemen, who appreciated the value of the strip for grazing purposes, to purchase the land from the Indians at \$3.00 per acre. Naturally, the Indians wanted to accept the larger offer. It was not until the Indians saw that the United States was about to take the land from them and open it for settlement that the Cherokees assented to the government's offer. President Cleveland in August, 1893, made a proclamation, pursuant to an Act of Congress, that the Cherokee outlet would be opened for settlement at high noon on September 16, 1893. The anniversary of this opening is still celebrated in the strip.

The opening of the Cherokee outlet was the largest as well as the last major run for land. More than 100,000 people ran for claims at the opening. The eastern part of the strip was almost completely settled at this opening. In the western part only a few of the more desirable claims were then taken. Those who did settle selected as claims those places where there was an abundant water supply for stock. There were only a few settlers in what is now Harper County at the beginning of 1900. Beginning in that year there was a great influx of homesteaders. It was not until about statehood that the county became fully settled. Until about 1903, cattlemen pastured large herds of cattle on the open range. But in that year the settlers attempted to run out the cattle in a big drive, and then the cattle were taken off of the open range. Prior to that, everyone turned his cattle loose on the open range. If one had a field, he must fence it to keep out the stock. There were no

crops except an occasional patch of cane or kaffir corn at the infrequent ranch houses or settler's shanties.

In 1899 my father and uncle selected claims on Buffalo Creek about four miles west of the present town of Buffalo. My father died not long thereafter, and I then lived with my uncle. At that time there were only about four neighbors living within a radius of five miles of my uncle's claim. Each of these neighbors had small herds of cattle, except one that had only recently arrived. We were within a large ranch known as the "Chain C" ranch, which was about 25 miles across.

Our nearest post office, store and railroad point was Ashland, Kansas, about 30 or 35 miles to the north. Our county seat was Woodward, about 45 miles southeast. It usually took two days to go to Ashland and return and three days to go to Woodward and return.

My uncle's house was 14 feet by 28 feet divided into two rooms of equal size. It was situated on a knoll and was sunk about three feet into the ground. Level passageways were dug out from the two doors of the house to the slope of the knoll so that one could go out of the house to the level without having to go up steps. Along the passage leading from the south door were a cellar and a large half dugout in which provisions and supplies were stored. The lumber, of course, was hauled from Ashland, Kansas. The house was constructed out of boards one inch thick and ten inches wide placed upright in stockade fashion with strips of wood nailed over the cracks. The roof was likewise constructed, except that tar paper was laid over the roof under the strips. The inside of the house was papered with newspapers.

The south room served as the kitchen, living room and post office. The north room was the bedroom and parlor and was also used as the school room for the first school that was established in the community until a school house was built.

As it was about 35 miles to the nearest post office, the early settlers desired a local post office of their own. My uncle was then

appointed postmaster of the newly created post office of Brule located in our kitchen. Later this post office was moved to a newly established store about three miles away situated near what later became the town of Buffalo. By Statehood Brule had become an active village. When the county seat was established at Buffalo on Henry Miller's farm, Brule was moved to the newly created townsite about one-half a mile away. The name of the post office was then changed from Brule to Buffalo.

At first there was no regular mail carrier. Anyone within miles around who was going to Ashland would come by and take the mailbag and the letters to the post office at Ashland, and on return would bring such mail as had accumulated for the little post office of Brule. After a time a regular star route was established. The mailman would drive up to Ashland one day and would return the second day so that we had mail three times a week. Finally, not long before statehood, there were two mailmen placed on the route so that we had daily mail.

The weekly Kansas City Star and the local newspapers kept us informed as to what was going on. In proving up claims it was necessary to publish notices in some newspaper. This gave a great impetus to the newspaper business and every little town, village, and cross-road place had from one to three newspapers.

Each of the settlers had a few cows. But they were privileged to drive up and milk any of the cows running on the open range. We usually milked five or six head of cattle but some of these were cattle that we took from the range, although we had a rather large herd of our own. In the spring, when the cattlemen branded the calves, the cowboys would come to our barn and brand the calves of their cows we milked. The cattlemen did not object to the settlers milking the cows because the settlers took good care of the calves and cows being milked.

The sand plum was the only native fruit. They grew on bushes about waist high usually in sandy soil along the streams. They became quite red when ripe, were quite sour, except when dead ripe. They made excellent pies and jellies, and were of great

value to the settlers. When there were not enough jars for canning, the plums were cooked into a batter, which was spread on cloths made from flour sacks, and dried until it had the appearance and toughness of leather. These sheets of dried plums were removed from the cloths, rolled up and put away for use in winter.

At first there were deer and antelope, and, although it was against the law to kill them, some of the settlers had deer and antelope meat. They disappeared as the country became more settled. There were large coveys of prairie chickens.

The coyotes were quite numerous. Nearly every night one would hear coyotes howl, and in the early morning one could see them within a few hundred yards of the house. They killed the chickens and turkeys.

Traveling across the open country was fascinating. There were scattered herds of cattle grazing on the prairie or in the canyons, or watering at the creeks or waterholes. There would be a succession of prairies carpeted with buffalo grass, high hills, deep canyons, red banks, shallow streams, patches of sage brush and soap weed, sand hills covered with bunch grass and plum bushes, glistening sand dunes, white gypsum and salt deposits, patches of salt grass, scattered cottonwood trees along the streams, here and there a ranch house or settler's shanty with a patch of trees, a windmill and a cane patch, and occasional barbed wire fences enclosing a large ranch or pasture. In the summer the distant sand hills and dunes covered by sand plum bushes had the appearance, through the glimmering heat and light of hills covered with heavy forests, similar to the mirages that one sees in the deserts.

Cowboys from the large ranches went fully armed as did nearly everyone else. Feuds were rather common. A number of people were killed. I remember once when a meeting of the community debating society at the school house was broken up by gun play.

Shortly after 1900 settlers began moving in from the east and this continued until practically all the claims were taken. Each new settler would come as a caravan with a covered wagon and their

horses and cattle herded along behind. As the land around us became settled, these travelers would pass on through to the lands farther west. Frequently such a caravan would camp at night near our house. It was the custom of the country to entertain without charge at night anyone who might be passing. It not only afforded shelter to the traveler but it also gave contact with the outside world to the settler.

In the winter there frequently was a prairie fire burning somewhere in the distance.

There ran from Dodge City to Ashland, Kansas, and from Ashland on south across the Cimarron River an old trail about 75 feet wide. It was made up of a large number of deep rutted parallel paths. In my time these paths were covered with grass. Its ridges could be seen for miles across the plains. No doubt these were the trails along which the cattlemen had driven their cattle up from Texas, and also along which the soldiers and wagon trains crossed the country. Not far south of the Cimarron River, near the Oklahoma line, the trail forked, one branch going to Ft. Supply and Woodward, and the other striking out southwest toward Amarillo, Texas. On the south side of the Cimarron where the trail crossed was an old redoubt which may have served as shelter or as a fort. These trails have long since been plowed up or obliterated except possibly in a few places.

Ft. Supply was an established fort where troops were garrisoned, long before statehood. It had been abandoned before we came, but the barracks, barns, and other buildings still remained. A state hospital for the insane was later established at this old fort.

At first there were no roads. If we wanted to go to Ashland or to Woodward we struck out across the prairie in that direction. As there were hills and canyons to cross, it was necessary for us to pick our way carefully so as to cross the deeper canyons and to pass between the larger hills without too much loss of distance and time. In time the courses followed by my uncle and other settlers became trails and these trails in turn became roads.

From Ashland to my uncle's claim one saw, when we first settled there, only two or three houses throughout the entire distance

of more than 30 miles. From my uncle's to Woodward there were likewise only a few houses to be seen. By the time of statehood there was a house on every good quarter section, and on some not so good. In going to Ashland or Woodward one took his food and water, and usually camped out on the trip. The rivers might become impassable and require a stay of several days at the river bank until the flood should abate. Once when fourteen years old I was stopped on a trip to Ashland, with a load of broom corn, by a snow storm, and a few days later when I resumed the journey I became stuck in the middle of the Cimarron River from which I was pulled out a few hours later by passing freighters.

In the late spring there were the roundups. The cattle would be driven into a large round herd, and then the cowboys would cut out of the herd the unbranded calves. These calves would be branded with the same brand as the calf's mother. One of my earliest jobs was driving a chuck wagon for a roundup when I was only nine years old. Drinking water was obtained from holes dug in the sand along streams.

The first schools ran for only three months of twenty days each, there being only sixty school days in a year. The teacher was paid about \$25.00 a month. One teacher was given a cow by my uncle as a consideration for teaching a fourth month. There were no uniform school books; each child brought from home the school books which his parents had brought from the east. The teacher would examine and count the available school books and would use the book of which there was the largest number on hand. Spelling, ciphering and geography matches with an occasional "speaking" relieved the monotony of the regular school life.

We had no church buildings and no churches. Itinerant preachers passing through the country would hold meetings and revivals at the school houses. Everyone went to these meetings as they were the outstanding events, regardless of the denomination of the preacher. We had what was called free or shouting Methodists, regular Methodists, Baptists, and Christian preachers, who received little pay and stayed with the neighbors. My uncle entertained the preachers of all denominations.

As late as 1900 or even later buffalo roamed and grazed over that territory. Evidences of the previous presence of buffalo were to be seen everywhere. One could pick up buffalo horns on the prairies. There were buffalo wallows where the buffalo had wallowed in the mud. There were buffalo bones scattered about as well as bones from the cattle then on the range. In fact one of the industries of the country was the gathering up of bones into bone yards at the railroad points for shipment to eastern factories.

The cowboys usually wore leather chaps. These afforded a protection to their legs in going through brush. Nearly all cowboys were armed both with pistols and with rifles. They usually wore large hats and handkerchiefs about their necks. The handkerchiefs were used as a hood when one was bothered with buffalo gnats and flying ants. I remember the thrill I had when I first wore a pair of leather chaps.

On Sundays the boys entertained themselves by riding and breaking wild horses. At first there probably were wild horses in western Oklahoma but in my time the wild horses were shipped in from ranches farther west for use by the settlers. When a carload of wild horses would be brought in, it was quite an event. I once had a noticeable limp from one of these affairs. Another form of entertainment was the roping of calves and cattle.

About the only community activity except the attending of church when held by an itinerant preacher was attendance upon debating societies organized in the various school districts. Everyone in the community usually attended, unless a feud was on in which event only one faction went, and the more intelligent took part and debated such subjects as whether England was right in the Boer War or whether a sheep was more useful than a billy goat or a dishrag than a broom.

Even at that time when practically none of the land had been plowed there were rather severe dust storms which at times almost shut out the sun. There were also times of severe drought. The altitude was from about 1800 feet to 2000 feet; and there was an average annual rainfall of only about 18 inches.

There were a great many rattle snakes. Like many other settlers, I had two or three narrow escapes from being bit.

Some houses were made from buffalo grass sod. The walls were about two feet thick and the houses were quite cool in the summer and warm in the winter. The roofs sometimes would also be covered with sod. A few houses were simply cellars or dugouts dug into a bank or into the ground. Other houses were part in the ground like my uncle's and were built up either with sod or with boards. There usually were only about two rooms.

There were very few trees. Along the streams there would be a few cottonwoods and in the canyons there would be a few elms and cedars. It was a penitentiary offense to cut a tree, but nevertheless trees disappeared and were used as posts, in the building of barns and houses, and for fuel. Sometimes seed, such as broom corn seed, would be used as fuel. Coal was very expensive and had to be hauled a long way. Practically all of the settlers used cow chips as fuel at least part of the time in the early days.

Very few of the settlers had any money. They bartered butter and eggs for sugar, salt, and coffee. A cow or calf would be sold and flour bought. It was not until about 1905 that broom corn was raised, and not until about 1907 that it was discovered wheat could be raised. These were the first money crops.

In the spring the prairies blossomed as a garden. There were all kinds of beautiful wild flowers. In the fall the prairies were completely burnt up and were white everywhere. A match or cigarette would start a prairie fire anywhere.

There would always be a three day picnic on the 16th of September in celebration of the opening of the strip. There might be a picnic on the 4th, but this date was not quite so important as September 16. At Christmas time programs were held at the school houses.

There was no telephone or telegraph. At first there was no store nearer than Ashland. The nearest doctor was at Ashland. Later a doctor settled about ten miles away, who later became a chiropractor. He once set my brother's broken shoulder bone on my brother's being taken horseback to him. There was never a doctor in our house.

The nearest lawyer was at Woodward, where Temple Houston was then practicing. A physical encounter between two men living about ten miles away resulted in a suit before a justice of the peace. Both combatants asked my uncle to represent them, and he represented the one that first asked, and, though not a lawyer, won the case.

Music was limited to songs accompanied by the guitar, or to the singing of hymns at meetings. My uncle with whom I lived purchased a clarinet from Sears and Roebuck and taught himself to play it. He later organized and directed the first band at Buffalo. He taught in some of the first schools organized. He served as minute clerk of the constitutional convention. When the new county was formed, it was named after him.

Life on a claim or at a ranch was lonesome. One time I spent nearly two weeks at a ranch without seeing anyone. The times were hard, the trials were many, some of the settlers were at times in real want of food and clothing, but through it all I never heard complaining such as I have heard through the depression.

At times, when the settlers were gathered together, among the songs that were sung and played on the guitar by the more musical ones was:

"The Little Old Sod Shanty."

"I am looking rather seedy now
while holding down my claim,
And my victuals are not always of
The best
And the mice play shyly round me
As I settle down to rest
In my little old sod shanty on the claim.

Refrain:

The hinges are of leather and the windows have no glass,
While the board roof lets the howling blizzards in,
And I hear the hungry Kiyote as he slinks up through the
grass
Round my little old sod shanty on the claim."³

³ Mr. Roscoe E. Harper is an attorney at Tulsa, Oklahoma.

UNRATIFIED TREATY WITH THE CREEKS, 1868

Edited by
Berlin B. Chapman.

The Creek treaty of September 2, 1868 has been an elusive document. Kappler omits it. The "Treaty File" and the "Record of Treaties" are the places where attendants in the Office of Indian Affairs look for unratified treaties. The Creek treaty is in neither of these places. Mr. Paul M. Niebell, Attorney of Record for the Creeks and Seminoles, found the treaty in a drawer of miscellaneous papers in the Office of Indian Affairs. For a decade Mr. Niebell has worked in the files of that office, and few persons know the files as he does. Mr. George McElroy, Secretary to Senator Josh Lee, secured a photostatic copy of the treaty that I might edit it for the *Chronicles of Oklahoma*. The photostatic copy is deposited with the Oklahoma Historical Society.

In Washington on March 28, 1868 G. W. Stidham and S. W. Perryman, delegates duly authorized by the Creek nation, addressed a letter to N. G. Taylor, Commissioner of Indian Affairs, asking that a commissioner be delegated to confer with them in the making of a treaty supplemental to that made on June 14, 1866, with the Creek nation.¹ The letter² by Stidham and Perryman is marked "Exhibit A" below. In Washington on September 2, 1868, Taylor, representing the United States, met Stidham and Perryman and concluded a treaty. The treaty is marked "Exhibit B" below.

The National Council of the Muskogee nation ratified and approved the treaty by an act of November 13, 1868. By the act the national delegates of the Muskogee nation were invested with power to accede to any amendment that might be proposed or made by the Senate of the United States to the treaty, which amend-

¹ The Creek treaty of June 14, 1866, is in Kappler ii, p. 931. The treaty was proclaimed Aug. 11, 1866.

² The letter is in OIA, R.C.F. S. 534-1869. A photostatic copy of the letter has been donated to the Oklahoma Historical Society.

ment however should not in any way annul, abridge, or interfere with rights already secured to the Muskogee nation in existing treaties.

It appears that the "Sands faction" of Creeks, defeated in the election of 1867, opposed the ratification of the treaty. The faction was a group of Adullamites who were said to be "opposed to schools and civilization" and who desired the "restoration of the old laws, manners, and customs, drifting back toward the dark past." During the winter of 1868-1869 Stidham and Perryman returned to Washington to urge the ratification of the treaty. A rival delegation, entirely unauthorized by any legal body in the Creek nation, also proceeded to Washington, and in direct violation of the advice and instructions of Agent J. W. Dunn, opposed the action of the authorized delegates. In a report on July 6, 1869, Dunn said: "I presume that the unauthorized persons, Sands Little Tiger, and Fish, had little influence at the department, if, indeed, they were received at all; but upon their return they succeeded in making many of their people believe that they had defeated the ratification of the treaty, and had succeeded in many other things desired."³

On February 6, 1869, Taylor transmitted the treaty to O. H. Browning, Secretary of the Interior. In an accompanying letter⁴ Taylor summarized the grounds for the treaty as stated in the preamble. Taylor closed the letter with this sentence: "I think it was just and proper that this treaty should be made and respectfully recommend it for your favorable consideration." Two days later Browning transmitted the treaty to President Johnson, "to be laid before the Senate of the United States, for the constitutional

³ Dunn to Supt. L. N. Robinson, *Indian Affairs* 1869, *H. Ex. Docs.*, 41 Cong. 2 sess., iii (1414), p. 855. In regard to the "Sands faction", see ann. rept. of Agent F. S. Lyon to Com. Ind. Aff., *Indian Affairs* 1871, *H. Ex. Docs.*, 42 Cong. 2 sess., iii (1505), pp. 989-994.

In 1870 there was some trouble between the legal Creek government and the "Sands faction" which was augmented by Sands visiting Washington and returning with long stories and promises, which were told as coming from the government, and which created dissension and strife, resulting frequently in open rebellion against the constitutional authorities. Agent F. A. Field to Com. Ind. Aff., Sept. 1, 1870, *Indian Affairs* 1870, *H. Ex. Docs.*, 41 Cong. 3 sess., iv(1449), p. 762.

⁴ Taylor to Browning, OIA, *Rept. Book* 18, pp. 152-153.

action of that body.”⁵ On February 9 Johnson laid the treaty before the Senate, together with the letters by Taylor and Browning.⁶ The treaty was read in the Senate the first time. On motion of Senator L. M. Morrill of Maine it was ordered that the treaty be referred to the Committee on Indian Affairs, and with accompanying documents, be printed in confidence for the use of the Senate.⁷ Apparently the treaty was never reported out of committee.

In an annual report⁸ under date of December 23, 1869, E. S. Parker, Commissioner of Indian Affairs, said that it was no doubt just that certain treaties made during the preceding year, and which were pending before the United States Senate, should be definitely acted upon. He named the Creek treaty as one which had been recommended previously by the Office of Indian Affairs, and he added that nothing had since occurred to change the opinion then entertained in regard to the treaty. In a summary Parker stated the “chief ground” for the treaty as set forth in the preamble. In a letter⁹ to the Secretary of the Interior on January 21, 1870, Parker stated that according to delegates representing the Creeks, it was the desire of the Indians that the treaty should be ratified. “I therefore respectfully recommend favorable action by the Senate,” said Parker.

No effort is here made to point out the representations and misrepresentations contained in the preamble of the Creek treaty of 1868. It would be a study of merit to examine treaties made with the Five Civilized Tribes in 1866, to probe decisions of the courts relative thereto, and to explain the degree of cession and concession made by each of the tribes. The Creek treaty of 1868 and contemporary sources relative thereto must be interpreted with the policy of the government to concentrate Indians on reservations

⁵ Browning to the President, Feb. 8, 1869, OIA, *Record of Letters Sent*, No. 8, p. 242.

⁶ Johnson's message of February 9, 1869 is in *Messages and Papers of the Presidents*, vi, p. 702.

⁷ *Executive Journal of the U. S. Senate*, xvi, p. 474 (1868-1869). I am indebted to Asst. Supt. Annie A. Nunns of the Wis. Hist. Society for this citation.

committee.

⁸ *Indian Affairs* 1869, *loc. cit.*, pp. 448-449.

⁹ OIA, *Rept. Book* 19, pp. 137-138.

within Indian Territory. "The Indian Territory," said Justice David J. Brewer, "was looked upon as the permanent home of the Indians." And after the close of the Civil War thirteen reservations were established in Indian Territory west of the Five Civilized Tribes.

The letter by Stidham and Perryman on March 28, 1868, and the Creek treaty of September 2, 1868 are as follows:

EXHIBIT A

Rooms of the Creek Delegation
No. 445½ 10th St.
Washington, Mch. 28, 1868

Hon. N. G. Taylor
Commissioner of Indian Affairs
Sir

The undersigned, delegates duly authorized by the Creek Nation to treat with the United States respecting its National Affairs, respectfully represent:

That by the 3d article of the Creek Treaty of 11th Aug. 1866, it is provided that the Creek Nation cede to the United States the west half of their lands in the Indian Territory, estimated to contain 3,250,560 acres, at 30 cents per acre.

The undersigned represent that the land therein agreed to be sold to the United States is very fertile, in a delightful climate and is as good as the eastern part of the Creek lands, being traversed by beautiful streams of living water and well wooded. That it is worth at least one dollar per acre, and may be sold at that price by the United States, to other Indian tribes moving to the Territory. That 200,000 acres of it were in 1866 sold by the United States to the Seminoles at 50 cents per acre.

They further represent that the said cession was obtained against the earnest protest of the Creek Delegates who claimed that the price fixed for said land was greatly below its value. And said Delegates never would have consented to the cession at 30 cents per acre had they and the Nation not been under a kind of duress and felt that if they did not agree to these terms they would be compelled to submit to worse.

As these lands are worth greatly more than the United States agreed to give us for them, we respectfully ask that a new Treaty be made by which the approximate value of the lands may be given us.

We further represent that, as is well known to you, about one third of the Creeks in September 1861, under the lead of Opothleholo, left their homes and property in the Creek Nation and escaped through the Cherokee Nation into the Union lines. The men among these loyal refugees entered the Union Army and served faithfully and gallantly until the end of the war.

All the Union refugees including those who entered the Union Army and those who did not, endured great privations and suffering from which several thousands of them perished. On the return of the survivors to our country at the close of the war they found their houses and improvements laid waste and all their stock lost or stolen. The aggregate losses of these loyal men by their adherence to the cause of the Union, and by the failure of the Government to give them protection amount probably to several millions of dollars.

These losses the United States is bound in good faith to make good. Its obligation to do so was expressly recognized by it in the proposed Treaty with the Creek Nation concluded at the Sac and Fox Agency in Kansas Sept. 3d 1863, and thereafter ratified by the Senate, but which *projet* [project] never went into effect as a Treaty because of the failure of the Creek Nation to assent to one of the Senate amendments. The language of the clause referred to is as follows: "The United States agrees fairly and honorably to remunerate the loyal members of said Nation for all losses sustained by them during the present rebellion either through seizure or destruction of said property by persons in arms against the Government or by the military authorities of the United States."

The undersigned further represent that it was provided in the 3d article of the Treaty of Aug. 11th 1866, that there shall be paid out of the Creek funds \$100,000 to re-imburse the loyal refugees pro rata for their losses by being driven from their homes; but that said amount is not one twentieth part of such losses.

The undersigned therefore respectfully ask that a Commissioner be delegated to make a supplemental Treaty with the Creek Nation represented here by them as Delegates, by which provision shall be made for allowing said Nation a fair price for said ceded lands, and for compensating said loyal refugees to a reasonable amount for the losses they have incurred by their adherence to the Government and its failure to protect them during the late rebellion.

Very respectfully

Your obedient Servants

G. W. Stidham

S. W. Perryman

Creek Delegation.

EXHIBIT B**UNRATIFIED TREATY WITH THE CREEKS, 1868**

Articles of a Treaty made and concluded at the City of Washington on the second day of September in the year of Our Lord one Thousand eight hundred and sixty eight by and between the United States represented by Nathaniel G. Taylor, Commissioner of Indian Affairs and the Creek Nation represented by its delegates George W. Stidham and Sanford W. Perryman Witness that.

Whereas it is represented by the delegates above named that great dissatisfaction exists among the Creek people on account of the terms and provisions of the Treaty of June fourteenth One thousand eight hundred and sixty six, in which the United States in view of a certain alleged liability to forfeiture by reason of their having made a treaty with the so called Confederate States require of the Creeks a portion of their lands to the extent of an absolute unconditional surrender and cession of one half of their entire domain, notwithstanding the fact that previously to wit on the twenty eighth April One Thousand eight hundred and sixty six a Treaty had been made with the Choctaws and that subsequently, to wit on the nineteenth July One thousand eight hundred and sixty six a Treaty was made with the Cherokees in neither of which Treaties was any such liability to forfeiture asserted, nor any such absolute cession required or made, although the same alleged cause existed in both case[s], inasmuch as both Choctaws and Cherokees had in like manner made Treaties with and had moreover served in the armies of the said so called Confederate States. And whereas it is also alleged that such absolute cession was made in the face of an earnest protest in behalf of the Creek people, a majority of whom were represented by the protesting delegates, who only signed the said Treaty to avoid a collision with the delegates claiming to represent that part of the tribe known as the Loyal Creeks, whose delegates assented to such absolute cession not from choice but in ignorance of the terms obtained by other tribes, and under an erroneous impression that their country would be forfeited to the United States unless they yielded to the prescribed terms. And whereas it is further alleged that the Creek people of all classes feel that great injustice has been done them in fixing the price allowed by the said Treaty of June fourteenth One thousand eight hundred and sixty six for the lands therein ceded, inasmuch as all of said land is valuable for stock raising purposes, part of it in that way actually yielding at the time of cession a revenue greatly beyond the interest on the purchase money, to be paid for such part, and

another part thereof having been already sold by the United States at a much higher price before the Treaty of cession was concluded. And whereas it is further alleged that, that portion of the Creek people which remained loyal to the United States during the late war, constituting nearly half the tribe feel that in thus obtaining from their delegates on the ground of alleged forfeiture an absolute cession, and in exacting such cession at a price far below its real value, being less than one third of the price named for inferior land in the above named Treaty with the Choctaws, thus discriminating in favor of those who were hostile and against those who were faithful to the United States, the Government has not treated them with that degree of fairness which their conduct during the war entitled them to expect. And whereas it is further alleged that dissatisfaction also exists among those Creeks who remained loyal as aforesaid on account of the unjust character and wholly inadequate amount of the provision made for losses sustained by them since the commencement of the rebellion in the sum of One hundred thousand dollars (\$100,000) stipulated in the third article of said Treaty of June fourteenth One thousand eight hundred and sixty six to be paid to them out of the proceeds of the land ceded by the same Treaty which provision they regard as merely nominal inasmuch as it bears a very small proportion to the amount well known to have been actually lost and is also a proposal to pay under the head of losses money which is really due for land.

Now therefore in order to remove so far as it may be practicable under existing circumstances these various causes of complaint which the Government of the United States is satisfied have grown out of serious misapprehension on both sides, the Commissioner on the part of the United States and delegates on the part of the Creek Nation in a spirit of mutual concession and compromise have agreed upon the following articles, namely: Article 1. The price agreed to be paid for the land ceded by the third article of the Treaty of June fourteenth One thousand eight hundred and sixty six shall be increased from thirty (30) cents per acre to fifty (50) cents per acre one half of which increased price shall be applied to the payment of claims for losses as directed in article second of this Treaty. The other half shall be paid in money in such manner as the Creek Council shall direct, provided that not less than One hundred thousand dollars (\$100,000) thereof shall be distributed per capita in money. Article 2. The losses sustained by that portion of the Creek people who remained loyal to the United States, and by the soldiers of said tribe who served in the Union Army during the late war shall be ascertained by the Superintendent of Indian Affairs for the

Southern Superintendency who shall first cause to be prepared a roll or census of such soldiers, and of the loyal refugee Indians and freedmen of the Creek tribe, and shall report to the Commissioner of Indian Affairs for his approval and that of the Secretary of the Interior his award in each case to the persons so enrolled, with the reasons therefor. And such awards as may be so approved shall be paid to the proper claimant so far as it may be practicable, by a pro-rata distribution for that purpose of the sum of Three hundred and twenty five thousand and fifty six dollars (\$325,056) being the one half of the increased price stipulated to be paid in Article No. 1 of this Treaty.

Article 3. The value of the improvement, belonging to citizens of the Creek Nation within the Territory ceded by the 3rd article of the Treaty of June fourteenth One thousand eight hundred and sixty six at the date of said cession shall be ascertained and paid to the owners by the United States.

Article 4. The damage done to the Mission School buildings near the Arkansas river by the United States soldiers after the close of the war shall be ascertained and paid by the United States to the Treasurer of the Creek Nation.

Article 5. The several annual payments provided in former Treaties as specified in the 5th article of the Treaty of One thousand eight hundred and fifty six and revised by the 12th article of the Treaty of One thousand eight hundred and sixty six with the exceptions therein provided, shall continue to be made without any abatement or deduction, and the interest that may accrue under the 3d article of said Treaty of One thousand eight hundred and sixty six shall be paid in money as heretofore to the National Treasurer. Article 6. The sum of four thousand nine hundred and twenty eight dollars and seventy cents (\$4,928.70) withheld from the annuity moneys for the year ending thirtieth June One thousand eight hundred and sixty seven shall be refunded and paid to the Creek Treasurer and the sum of six hundred and fifty dollars (\$650) in the hands of the late William H. Garrett, as United States Agent for the Creeks at the time of his death, belonging to Creek reservees under the Treaty of One Thousand eight hundred and thirty two, shall be paid to the proper claimants.

Article 7. The sum of One hundred thousand dollars (\$100,000) required by the 4th article of the Treaty of One thousand eight hundred and sixty six to be paid for losses out of the proceeds of land ceded by said Treaty, shall not be so paid, but shall be retained by the United States and together with the bounties and arrears of pay due to such Creek sol-

diers of the Army of the United States as have died without heirs, shall constitute a fund, the interest of which shall be applied and used for the benefit of the Orphan children of the Creek Nation in such manner as the Council shall direct. And out of the Four hundred thousand dollars (\$400,000) payable per capita under the 3d article of said Treaty the sum of One hundred thousand dollars (\$100,000) shall also be paid in such manner as said Council shall direct as soon as practicable after the ratification of this Treaty.

Article 8. Nothing contained in the Treaty of One thousand eight hundred and sixty six shall be so construed as to annul or abridge the various rights and privileges guaranteed to the Creek Nation by the 15th article of the Treaty of one thousand eight hundred and fifty six. It is also hereby agreed and understood by and between the contracting parties that nothing in this Treaty shall in any manner or degree be so construed as to alter[,] avoid, abridge, annul or abrogate any of the rights, privileges or immunities of the freedmen or other persons granted and acquired by said Treaty of June fourteenth One thousand eight hundred and sixty six. Article 9. Every citizen of the Creek Nation shall have the right to sell any products of his farm including his live stock or any merchandise or manufactured products and to ship or drive the same to market without restraint, or payment of any tax thereon to the United States or any one of them, and no license to trade in goods, wares, or merchandise shall be granted by the United States to trade in the Creek Nation unless approved by the National Council of said Nation. Article 10. The expenses incurred by the delegates representing the Creek Nation in negotiating this Treaty shall be paid by the United States not to exceed ten thousand dollars (\$10,000)[.] In testimony whereof, we, the Commissioner representing the United States and the delegates representing the Creek Nation have hereunto set our hands and seals at the place and on the day and year above written.¹⁰

N. G. Taylor L.S
U. S. Commissioner

G. W. Stidham L S
S. W. Perryman L S
Delegates of the Creek Nation

Done in the presence of
Lewis S. Hayden
Thos. E. M. Grand

¹⁰ Dr. Berlin B. Chapman is Professor of Economics at the Fairmont State College, Fairmont, West Virginia.

SOURCES FOR THE STUDY OF OKLAHOMA CATHOLIC MISSIONS: A CRITICAL BIBLIOGRAPHY

By
Sister M. Ursula.

Introduction

Since the passing of the American Frontier, Catholic Church historians have begun to study and evaluate the social, religious, and intellectual part played by the Catholic Church in the development of the Far West in the nineteenth century. One region worthy of special study is the territory now embraced within the present state of Oklahoma, which has not been given adequate historical treatment.¹ It is the purpose of this bibliography to reveal the extensive and hitherto unexplored and unused sources for the study of this significant chapter in the history of the Catholic Church on the American Frontier.

BIBLIOGRAPHY PRIMARY SOURCES

Manuscript

Anadarko, Oklahoma.

The files of Father Aloysius Hitta, O.S.B., Superintendent of Saint Patrick's Mission, contain letters from Mother Katherine Drexel, newspaper clippings that throw light on the past history of the mission; printed articles that Father Hitta has contributed to the *Indian Sentinel* and *The Oklahoma Indian School Magazine*; the Ms. copy of Bishop Martin Marty's letter to Charles E. Adams, U. S. Indian Agent at the Kiowa and Comanche Agency, authorizing Reverend Isidore Ricklin to select the quarter section for a mission; a letter from the Department of the Interior granting to the

¹ With the exception of the short sketch by Reverend Urban de Hasque, "Early Catholic History of Oklahoma," *The Southwest Courier*, Oklahoma City, Oklahoma, July-December, 1928, no study has been made of the Catholic Church in Oklahoma. The compiler of this bibliography is at the present time making an exhaustive study of this story for the period 1824-1907.

Catholic Bureau of Indian Missions the quarter section selected and the authority to cut timber and use stone from the same land. There are likewise reports of attendance, financial statements, and other such data. Of less historical value, but interesting nevertheless is *A Boy's Dream of the Great Manito* by Reverend Father Ildephonse, O.S.B., a fascinating Indian legend whose setting is Saint Patrick's, the time 1901, and the central figure Reverend Father Hitta who has been stationed at the Mission for the past thirty-seven years.

Anadarko, Oklahoma.

The *Record* kept by the Sisters of the Third Order of Saint Francis contains an account of Saint Patrick's Mission since the arrival of the first group of Sisters on October 1, 1892. It lists those who have since that date been located at the Mission, incidents connected with the daily life of the school, the number of pupils enrolled, visits, and other items of local history.

Similar material was found at Chickasha and Purcell where members of the same religious order have charge of the mission school.

Belgium, Louvain.

Through the kindness of Father Stephen Leven, Vice-rector of the American College, use was made of many interesting letters from a file containing over nine hundred, written to the rectors of the American college by priests, more than two score of whom were working in Indian Territory from 1891-1907. From *The Little Star of the Black Belt*, Lynchburg, Virginia, edited by Reverend J. Anciaux, later pastor of Langston, Indian Territory, much of the story of the Church and school for Negroes at that place was obtained. Clippings from *The Living Age*, a non-Catholic magazine for the colored race, published at Langston was also used. From the *American College Bulletin*, Vols. I to VII a list of the Alumni in the Vicar-Apostolic may be found, the dates and incidents written from the Indian Territory. These are rich sources of Church history in Oklahoma, and often give an insight

into conditions that could not be found elsewhere.

Chicago, Illinois.

The Newberry library contains an appreciable amount of printed material that is of interest in this study. It can for the most part be found in the Bureau of Catholic Indian Missions in Washington.

Cornwells Heights, Pennsylvania.

In Saint Elizabeth Convent, the Motherhouse of the Sisters of the Blessed Sacrament, there are letters and petitions of the Indians in the Territory written to Reverend Mother Katherine Drexel, to the Benedictine Fathers, to the Commissioner of Indian Affairs and to Reverend Father Stephan, then head of the Bureau of Catholic Indian Missions. There is also a letter from Father W. H. Ketcham to the Franciscan Sisters. A list of *Churches and Schools erected and equipped by Mother Katherine Drexel* shows the extent of her generous donations for schools and churches for the Indians and for the negroes in Indian Territory. *A Prospectus of Saint John's Boarding School*, Gray Horse, Oklahoma, under the direction of the Christian Schools furnished information on the object, courses, and general regulations of this school when it passed from the control of the Franciscan Sisters. Newspaper clippings and photographs of the Indian schools in the course of their erection are also to be found in these files.

Fort Smith, Arkansas.

In Saint Patrick's Church adjoining Saint Ann's Academy, may be found the *Register of Marriages for Fort Smith and the Missions attached thereto 1845-1897: The Baptismal Register July 30, 1884 to October 1869, also Registerum Baptism (sic) 1857-1900* signed by Fathers Lawrence and Michael Smythe. These records are not only of historical value to one writing on early church history in the diocese of Arkansas, of which Indian Territory was then a part, but for one interested in the social conditions and political events of the period. Not only are the names and dates of persons baptized recorded, but in the margin numerous comments have been made. During the Civil War the church was occupied

by Federal troops and the records in some places mutilated by the northern troops. When recovered after the conflict, the partial erasure of Yankee drawings and the caustic comments inserted by the pastor in the margin of the *Baptismal Records* gave strong evidence of his southern sympathies. Baptism of slaves, prisoners who were condemned to be executed and who were visited by the good Sisters of Mercy, bits of local history, the time of departure and return from missionary trips to the Indian Territory make these early records of more than passing historical worth. Without access to them it would have been impossible to chronicle fully the work of the Catholic Church in Indian Territory prior to the Civil War.

France, Pierre-qui Vire.

The richest depository of primary material is the monastery of Pierre-qui Vire. It was from here the first Benedictine foundation was made in the south, on the Isle of Good Hope near Savannah, Georgia. Only two survived the yellow fever epidemic in 1874 and these joined Father Robot at Sacred Heart Indian Territory, where he had made a second foundation. The original letters and reports of Father Robot, Father Ignatius Jean and other Benedictines at Sacred Heart to the Abbot of Pierre-qui Vire are to be found in the archives of the monastery. A lengthy manuscript describes Father Robot's trip to America and his near death from ship wreck. Though suppressed by the French government in 1880, the monastery is again in the hands of the Benedictines. Father Paul is the present librarian and archivist.

Guthrie, Oklahoma.

In the archives of the Benedictine Sisters at Saint Joseph Convent are preserved the *Community Records* dating back to 1889, the year of their coming to the Territory. Among these are the *Scriptorium*, a record of work of the community, its growth in members, material development, and incidents connected with its general history. There is a priceless manuscript copy of the *Memoirs* of Sister Anselma, begun at Carolton, Pennsylvania, in October, 1819. It is the story of the foundation in Creston,

Iowa; its trials, vicissitudes, new members, and the final removal of the Motherhouse to Guthrie. In addition to these there are lists of schools under the care of the Benedictine Sisters, letters, reports, deeds, and various other documents of historical value. As is the case with practically all the institutions in Oklahoma, the manuscript material concerning their development since statehood is far greater than that concerning their history during Territorial days.

Indiana, South Bend.

The valuable archives of Notre Dame University contain only one or two manuscripts of interest to this story. The newspaper files, however, are particularly rich. Among those consulted was the *Freeman's Journal*, a collection of singular importance.

Louisville, Kentucky.

In the extensive newspaper collection of Nazareth Convent several printed articles were found, particularly those that referred to Bishop Meerschaert's appeal for funds for the Indian Territory. A *Scrap Book* with clippings of the yellow fever epidemic in 1876 was of especial help since it was that disease that practically destroyed the Benedictine community on the Isle of Hope, near Savannah. The two survivors joined the Benedictines in Indian Territory, one of whom later became Abbot.

Oklahoma City, Oklahoma.

The most valuable document in the Chancery Office is the private *Diary of Bishop Meerschaert*. The more important events beginning in 1889 and extending to the time of his death in 1924 were jotted down on the blank pages of an *Ordo*. Here is recorded, in some twenty or more of these books, a short autobiography, his appointments before coming to the Territory, his appointment as Vicar Apostolic and the events connected with his consecration, departure, and reception in Guthrie. From 1891 there is kept a consistent, sometimes daily account of the Bishop's activities; his appointments, ordinations, confirmations, lectures, trips in the Territory, in the United States, and in Europe, all these are to be found on

pages where household accounts, salaries paid, and items connected with his daily life are likewise listed. That the busy Bishop had little time for details is evidenced by the brevity of most of the entries. Abbreviations are common, spelling often phonetic, but the *Diary* as a whole takes on the nature of a fast moving narrative.

Oklahoma City, Oklahoma.

A wealth of statistical material is to be found in the archives of the Oklahoma Historical Society. Among the thousands of documents that concerned the history of the Five Civilized Tribes and the Plains groups were found *reports, contracts, applications*, as well as much correspondence between the superintendents at Sacred Heart, Anadarko, Chickasha, and Purcell concerning the schools over which they had charge. The quarterly reports with a list of teachers employed, students enrolled, and the produce of field and orchard gave evidence of the general progress of the schools. These manuscripts may be found in the files of each tribe under the general heading of Schools. Letters from the pupils of the Catholic Indian Mission Schools to the Indian Agent were found in the files of the Sac and Fox as well as those of the Pottawatomie.

Pawhuska, Oklahoma.

At the Osage Indian Agency is preserved the greatest collection of tribal records within the state. Among the manuscripts in the *Miscellaneous Correspondence* file were two letters of Father Shoemakers; the list of pupils who enrolled at Saint Louis School the first year; the first report of Mother Mary De Sales who was in charge of the school; a number of letters from the Osage Indian Agent to the Commissioner of Indian Affairs regarding the two Catholic Mission schools; a series of letters between the Agent and Commissioner concerning the request of Father Edward Van Waeberghe for land for Church purposes; vouchers, petitions of the Osage Council for additional school funds; complaints and an occasional letter from a school child or its parents. The *Gibson File* contains much worthwhile material including:

A *Report* of Inspector Edward Kemble regarding the repeated request of the Osages for Catholic missionaries; Osage petition to Ewing dated 1874; petition against Catholic teachers, 1875, signed by nine Osages; excerpts from eastern newspaper and letters from Agent Gibson to the Commissioner of Indian Affairs. Of particular interest, though of doubtful historical value, is the stenographic report regarding historical data of the first Catholic Church. This formed the proceedings of a meeting held in the parish hall May 23, 1937. At this time questions were asked some of the old settlers and their answers recorded in an effort to preserve some of the past history of the Catholic beginnings in Pawhuska. Because of the scholarly interest of Miss Lillian Mathews, the curator of Osage Agency, in things pertaining to Osage history many interesting documents have been brought to light during the past few years and made available to students of history. Pawhuska, Oklahoma.

At Saint Louis School the Sisters of Loretta have a number of *School Registers* that give the attendance of Indian children from 1889-1907. There may also be found a few statements of receipts and expenditures and other items of minor importance. Perry, Oklahoma.

In the private files of Father Urban de Hasque, pastor of Saint Rose of Lima Church, are documents of prime value regarding the Church in Oklahoma. My indebtedness to him lies in his generously allowing me the use of his lists of Oklahoma priests, churches, parishes, transfers, etc.; of his attractive pictorial history of Oklahoma churches; of notes taken from a complete file of *Les Missions Catholiques*; of copies of his own personal manuscripts as well as copies of manuscripts which he made from the archives of the Benedictine Fathers at Pierre-qui-Vire, France. No one could write the history of the Church in Oklahoma without finding much of his basic material in these files. Saint Louis, Missouri.

A treasure house of Osage history is found in the *Writings* of Father Paul Mary Ponziglione, S.J., whose thirty-eight years of service (1852-1890) among the Osages, in both Kansas and

Indian Territory, has been preserved in a collection of manuscripts in the archives of the Missouri Province of the Society of Jesus, Saint Louis University. These consist, in part, in the *Annales Missiones S. Francesci de Heronymo a Patribus Societatis Jesu institutae apud Indos Americae Septentrionalis Osageos dictos* compiled in three note books; the *Annales* which give a list of priests who worked among the Osages from 1827 to 1889 and a list giving the dates and localities of missionary stations begun by the Jesuits. Sixteen of these stations were within what is now the present state of Oklahoma. More important, however, to this study were the *Western Missions Journal*, 10 Volumes. Here are recorded the missionary activities of Father Ponziglione between 1867 and 1890. No less interesting than the history are the Journals themselves. The volumes are each an average five cent note book in which Father Ponziglione has written in legible English a detailed account not only of his trips among the Osages and other tribes but also of his work among the white settlers, and visits to the army posts and mining camps. The writings in the Osage language include *A Collection of Epistles and Gospels for the Sundays and Holy Days; an Osage Dictionary and Hymn Book; Instruction on the Christian Doctrine for the teaching of the Osage Indians residing on the Neosho and Verdigris, State of Kansas, North America*. From this collection of manuscripts one catches a glimpse of a kindly man of deep spirituality, a historian of natural bent and careful scholarship. *The Jesuits in the Kaw Valley*, a typewritten manuscript by Father John F. O'Connor, S.J., was used in this study for the story of Sugar Creek mission. It was from this mission that Jesuit missionaries made their first missionary trips into Indian Territory. It is a work based almost wholly on source material. A copy of this is available at Saint Louis University.

Sacred Heart, Oklahoma.

In the archives of the Benedictine Fathers of Sacred Heart Priory was found the most important of all the materials for this study. Of all the manuscripts here the *Annals of Sacred Heart Mission 1876-1907* are the most valuable. Here are recorded the coming of the first co-laborers of Father Robot; the incidents con-

nected with the erection of Sacred Heart Monastery, the missionary trips among the various Indian tribes; the growth and development of the new foundation; the erection of the novitiate; ordinations, deaths, and every event of importance connected with the Benedictine Fathers. From it too, may be gathered the intimate side of the life in the monastery; the hardships of a life under the rule of primitive observance; amusing incidents, days of special festivities; the occasions when distinguished visitors were welcome guests, their presence affording much joy to the religious. Every appointment made by the Prefects Apostolic, new churches dedicated, schools opened, records of retreats, missions, baptisms—all these are only a part of the historic matter preserved in these Community reports. Other manuscripts include a record of *Churches Built and Missions Established by the Benedictine Fathers*. This gives the year, the place, and the name of the priest through whose efforts the new churches were erected. Records of *Priests Educated at Sacred Heart*, both secular and religious, who were also ordained at Sacred Heart. *Lists of the deceased members of the community* were helpful in reckoning the years of service of the Fathers. Two other manuscripts deserve special mention. *Reminiscences and Memoirs of Brother John Laracy* gives an intimate picture of this kindly lay brother, who is yet living today. Arriving in the Territory in 1879 he has crowded into pages of his memoirs a vivid picture of the Pottawatomie country as seen by one from New England. *Recollections of a Missionary Trip 1885*, by Reverend Hilary Cassal is a very lengthy document that tells of a missionary trip made in the western part of Indian Territory and extending from the first of October until the end of the month. Its historical value is to be found in the persons, places, and circumstances connected with the trip. The files, likewise, contain many other valuable bits of history; albums of pictures of the Fathers, students, activities incident to the life of the Monastery and school. The pleasure of collecting notes from these manuscripts was made more interesting by conversations with Father Leo who came to the Territory in 1888, and Father Jerome who is archivist at Sacred Heart.

Shawnee, Oklahoma.

The files of the Benedictine Fathers at Saint Gregory's Abbey contain some material that concerns the history of the Church in the Territory, though they are much richer in matter that pertains to the time after statehood. Among the manuscripts is a file of *Correspondence between the Benedictine Fathers and the Vicar Apostolic*. Of particular value was a lengthy *Report* in the handwriting of Father Robot giving an account of the state of the Prefecture Apostolic in 1880. It is written in French and consists of answers, for the most part in detail, to sixty-four questions. They are concerned with the circumstances under which the Benedictines came to the Indian Territory, the condition of the country, the number of priests, the needs of the missions, financial conditions, and other questions concerning the spiritual life of the monastery. Papal documents, deeds, blue prints, financial reports, and a very few letters are other sources of information concerning the Church in the Territory that may be found in these files.

Washington, D. C.

The Bureau of Catholic Indian Missions. This agency was established in 1874 and is an institution through which the affairs of the Indian missions are transacted with the United States Indian Office. The Bureau was the direct result of President Grant's "Indian Peace Policy" of December, 1870, in which he determined to give the agencies to such religious denominations as had before established missionaries among the Indians. In 1870 there were seventy-two Indian agencies, and in thirty-eight of these Catholic missionaries had been the first to establish themselves. Despite the fact, only eight were assigned to the Catholic Church. This caused 80,000 Catholic Indians to pass from Catholic influence to Protestant control.

At the instigation of the bishops in whose jurisdiction there were Indians, Archbishop Boyley, on January 2, 1874, appointed General Charles Ewing, Catholic Commissioner, and Reverend Felix Barotti, Treasurer. On June 14, 1881, the Bureau was incorporated under the general corporation laws of the United States. Father Branillet died in 1884, and Reverend J. A. Stephan was

appointed to succeed him. Ten years later the old organization was superseded by a new corporation chartered in perpetuity by an Act of the General Assembly of Maryland. The Corporate title is "The Bureau of Catholic Indian Missions." Father Stephan was director until his death in 1901 and was succeeded by Father Willard Ketcham, the first priest ordained by Bishop Meerschaert.

Since all the Catholic Indian Schools in Oklahoma and Indian Territory were connected with the Bureau of Catholic Indian Missions, the files of this institution hold a vast amount of documentary material. The files are arranged chronologically and the material concerning the schools is found under date of their establishment. The manuscripts include letters of Bishop Meerschaert; correspondence and reports from the Benedictine Fathers and Sisters in charge of the various Indian schools; letters from parents, students, soldiers at the army posts and frequently letters from civilians. Of particular interest were the petitions of the Osages for missionaries and religious teachers; of their difficulties with the Indian agent and affairs at the Osage agency. No other single depository contains so great an amount of manuscript material pertinent to the organization and development of Indian schools in Oklahoma, than can be found in the files of the Bureau of Catholic Indian Missions. Washington, D. C.

In the manuscript collection of Georgetown University may be found *Father Ponziglione's Osage Prayer Book and Short Catechism*, and Osage Hymns with English translations.

Washington, D. C.

In the files of the Indian Office may be found the incoming correspondence from the Indian Superintendents, the missionaries, agents, and oftentimes from the Indians themselves. The material is for the most part yet unclassified and is to be found in bundles under the name of the Indian Tribe. The Division of Maps has several hundred of Oklahoma, ranging in date from as early as 1835. The most useful of these, however, appear in "Indian Land Cessions in the United States," compiled by Charles C. Royce, published in the *Eighteenth Annual Report of the Bureau of American Eth-*

nology to the Secretary of the Smithsonian Institution, 1896-97, Washington 1899, Part 2.

PRINTED MATTER

"Acta Sanctae Sedis." In *Compendium opportune redacta et illustratra studio et cura. Josephi Pennacchi et Victorii Piazzesi* Rome, Vol. IX, 425-426. 1885 (1861-1885) Published privately, official after 1904.

American College Bulletin. Louvain, Belgium, 1903-1907.

The files of this quarterly publication contain many items of value to the Indian Territory. In the seven volumes between 1903-1907 practically every one has some articles in reference to the Church or the priests working in the Territory. The names, dates of ordination, departures, visits, reprints of letters written from the Indian Territory to the American College, deaths, parish assignments are a few of the items recorded. It represents one source of information concerning the work of the secular clergy of which scant record has been preserved. Besides Right Reverend Bishop Meerschaert and the Very Reverend Gustave Depreitere, Vicar General, the American College sent to Indian Territory twenty-three priests between 1893-1907, all of whom are mentioned in the *American College Bulletin*.

Annals de la Propagation de la Foi. (*Recueil Periodique des lettres des Eveques et des missionaries des Missions des deux mondes, et de tous les documents relatifs aux missions et a l'oeuvre de la propagation de la foi.*) 72 Vols., Lyons and Paris, 1823-1900.

The first volume records the visit of the Osage chiefs to Bishop Du Bourg. Volume 69 gave an account of the death of Father Robot, and from volumes 49 to 80 it was possible to know the contributions made to the Indian Territory both under the Prefecture and during the Vicariate.

Annals of the Catholic Indian Missions of America. Washington, 1877.

This series of publications by the Bureau of Catholic Indian Missions contained a vast amount of material concerning the Indian

Territory, most of which can be obtained from the *Indian Advocate*. One issue dated January 6, 1877, contained a lengthy letter from Father Robot shortly after his arrival at Atoka, Indian Territory. It describes a trip covering a distance of 1065 miles that he made among the Indian tribes. Other incidents mentioned include the erection of the Prefecture, the proposed location of a mission school, and other matters of particular interest to the Indian Territory.

Atoka Champion. Atoka Indian Territory, February 23, 1884.

Reference to Brother Dominic hauling supplies to Sacred Heart from Atoka, a distance of seventy miles.

Atoka Independent. Atoka Indian Territory, March 1, 1877. July 27, 1877, August 23, 1878.

Reference to trips made by Father Robot among the Indian tribes.

Atoka Vindicator. Atoka, Indian Territory, January 26, March 1, April 12, April 19, December 13, 1876. Chronicles the services at the Catholic church in Atoka, the opening of school, and trips made by Father Robot to the military forts and Indian reserves.

Ave Marie. Notre Dame, Indiana, January 20, 1877.

Supports and approves Mr. McMaster's plan for helping Father Robot in Indian Territory.

Barney, Ralph A., *Laws Relating to the Osage Tribe of Indians, May 18, 1824 to March 2, 1929*. Washington, 1929.

Consists of Acts of Congress relating to Osage affairs. It lists the Appropriation Acts of the Interior Department that has particular reference to the Osage. Washington, 1929.

Carroll, Mary Theresa Austin, *Leaves from the Annals of the Sisters of Mercy*, 4 volumes, New York, 1889.

Contains sketches of the Order in South America, Central America, and the United States. Chapters XLIII and LX tell of the foundation in Arkansas with several interesting references to Indian Territory.

Catholic Advocate. New York, January 30, 1879, Vol. X. No. 34.

In an article entitled "The Indian's Need," a plea is made for a more humane and just treatment of the Indian. It speaks of the

docility and peacefulness of the Indian when treated with ordinary kindness, and cites the Catholic Indian Missions as the most successful means of Christianizing and civilizing the Red men. Pleading for the establishment of peaceful and desirable relations with the Indians, the article concludes that it is the interest of all, Catholic and non-Catholic, that the religious be sustained in their work, given the necessary means and encouraged with the approval and support of the people.

Catholic Church in the United States of America, 2 volumes, New York, 1908.

Volume I is devoted to the Religious Communities in the United States. The original plan was to create a living portrayal of Catholic progress and development in the United States. It was to be "a great album, a thank offering" in honor of the golden jubilee of Pope Pius X. The articles are scholarly, exact and are in almost every case signed. The article on the Benedictine Fathers in Oklahoma, signed by Abbot Murphy, traces briefly the story of Sacred Heart Mission from 1877 to 1907. The table of statistics covering three decades was of special value.

Catholic Home. Oklahoma City, September 8, 1923. This paper was the successor to the *Orphan's Record* and remained the diocesan organ until replaced by the *Southwest Courier*. This particular issue is known as the Thirty-Second Anniversary Number issued in honor of Right Reverend Theophile Meerschaert's thirty-two years of faithful labor in the Diocese of Oklahoma. Its historical value lies in the "Account of Right Reverend Bishop Meerschaert's Activities in the Diocese of Oklahoma as taken from his *Private Diary*." The articles are arranged chronologically from 1889 to 1921. February 23, March 1, 1924 numbers contain incidents connected with the death of Bishop Meerschaert and with the passing of the venerable prelate. A sketch of his life, the highlights of his long career and a lengthy editorial are the distinctive features of these issues.

Catholic Telegraph, Cincinnati, October 24, 1901. Volume 23 Number 16.

Contains an appeal of Bishop Meerschaert for help in his labor among the Indians. It gives an account of the Vicariate in 1891 and tells of the growth that has taken place during the past ten years. *Chicago Times*, February 28, 1878. "Injustice to Catholics," Refers to the Indian Mission Schools.

Chimes. A Benedictine Quarterly Review published at Buckfast Abbey 11 (July, 1922) No. 7.

This Special Number is devoted to the past history of Buckfast Abbey; to its restoration in 1882 by the Benedictines of Pierre-qui-Vire. It likewise records the death of Rt. Rev. Abbot Natter, O.S.B., August 4, 1906, when the ship *Sirio* sank near the coast of Spain. A likeness of Father Thomas Duperon, first Abbot of Sacred Heart, Indian Territory, as first Superior of the restored Buckfast, as well as many pictures of the ancient Abbey lend interest to the story.

Daily Oklahoman, March 15, 1936. "Memoirs of Bishop Meerschaert" by Noel Houston is typically journalistic. Occupying a full page in the Sunday edition the article makes use of liberal quotations from the *Bishop's Diary*.

Dunn, John E., *Memorial to Very Reverend Lawrence Smyth*. Fort Smith, 1900. 81pp.

Ex. Doc., No. 6, Senate, 44th Congress, 1st Sess., December 17, 1875.

This gives an investigation of the affairs of the Osage Indian Agency with an abstract of the evidence and charges against the Indian Agent. Several references are given to his interference with petitions for Catholic schools and missionaries.

Graves, W. W., *Annals of Osage Missions*, Saint Paul, Kansas, 1935.

The material contained in the publication of 490 pages has been collected "from hundreds of sources including personal knowledge, interviews, books, pamphlets, manuscripts, old letters and newspapers." The items are arranged chronologically and are concerned with industry, religion, politics, social life, Indian troubles, and countless other topics connected with the life at Osage Mission.

Guy, Reverend F. S., *The Catholic Church in Arkansas* (1541-43). Washington, 1932. Monograph in the Catholic University Library, 57 pp.

Hasque, Very Reverend Urban de, *Saint Patrick's Indian Mission of Anadarko, Oklahoma, 1891-1915*, n. d.

This historical sketch written by the former chancellor of the diocese was one of several publications of Saint Joseph's Orphanage dealing with the history of the Church in Oklahoma. The pamphlet contains twenty-six pages.

Historical Sketch. Quarter Century's Incipience, Growth and Development of the Holy Family Parish, Tulsa, Oklahoma, 1899-1924.

The contents of this work is indicated by the sub-title. In the two hundred pages written from the parish records one is able to see the remarkable development of the parish whose frame church in 1899 measured only 30x50 feet and is a quarter century later replaced by a million dollar edifice, Holy Family Co-Cathedral, one of the most beautiful edifices in the Southwest. Illustrations of the old church and school, pictures of all the pastors who have been appointed to the parish, various societies, lists of those who helped to finance the new church and a list of the parishioners makes this Silver Jubilee number a record of no small value.

House Ex. Docs., No. 131, 41, Cong. 3rd Sess., Vol. XII February 11, 1871. Serial No. 1460. Communication to obtain the consent of the Osages to move to Indian Territory.

House Ex. Docs., No. 152, 42, Cong., 2nd Sess., Vol. X, February 17, 1872. Serial No. 1513. Appropriation for settlement, subsistence, and support of Osages.

House Ex. Docs., No. 146, 42 Cong., 2nd Sess., Vol. X, February 15, 1872. Serial No. 1512. Expenses necessary for the removal of the Osages.

House Ex. Docs., No. 142, 42 Cong., 3rd Sess., Vol. VIII, January 20, 1873. Serial No. 1566. Estimate on appropriations to pay Osages annual interest of 5% on proceeds of sales of Osage trust and diminished reserve lands.

House Ex. Docs., No. 183, 42 Cong. 3rd Sess., Vol. IX, February 4, 1873. Serial No. 1567. Amendment to appropriation

bill for removal of Great and Little Osages from Kansas in accordance with treaty.

House Misc. Docs., No. 49, 40th Con., 3rd Sess., February 15, 1869. Serial No. 1385. This is a protest against the ratification of the treaty with the Great and Little Osages.

Indian Advocate. Sacred Heart, Indian Territory, 1888-1910, 22 volumes.

The apostolate of the press was not neglected by the Benedictine Fathers. Begun by the second Prefect Apostolic, this quarterly has the distinction of being the first Catholic publication in the Territory. It remained the diocesan organ until 1910 when, chiefly through lack of support, it was discontinued. The paper had for its object the cause of the Indians and was an attempt to give a history of their progress toward civilization. In 1888 only one issue appeared, the *Prospectus*. The year following it came out as a quarterly, of four pages of small in-folio size. In 1893 it was published in Royal Octavo size of twenty-four pages. In 1902 it was reduced to regular Octavo dimensions with the pages numbering thirty-six. From 1902 to June, 1910, the last issue, it was published each month. Only two complete files of this publication are known to exist. One is found at Sacred Heart Priory at Sacred Heart, Oklahoma, and the other in the private collection of Reverend Urban de Hasque. At the Smithsonian Institution in Washington, D. C., the following volumes may be found; 6-22 (1894-1910). The files of the *Indian Advocate* are rich in the history of the early Benedictines in the Territory. Of its very nature it is replete with every phase of missionary and educational activity. It recorded news from each of the Indian missions, biographical sketches of the priests in the Territory, the coming of the various religious orders of women, deaths, ordinations, personal notes, changes in parishes, statistics that indicated the growth in the Catholic population, both Indian and white. Through its wide publication the needs of the Territory were brought to the attention of persons throughout the country and as a consequence much assistance was given to the Indians at the mission schools. The early issues of the *Indian*

Advocate devoted its columns strictly to things that concerned the work of the Church and for that reason it is practically the only printed source of the Church's history during Territorial days. The articles were well written, and have real historical value.

Indian Citizen, Atoka, Indian Territory, March 16, 1889. Mentions return of Father Robot from the Indian country.

Indian Sentinel. An annual published in the interest of the Society for the Preservation of the Faith among Indian children by the Bureau of Catholic Indian Missions. Washington, 1902-1938.

The issues of this small publication, consisting generally of fifty odd pages, contain much that is of value to the Indian Mission Schools in Indian Territory. Of these, certain numbers are of particular interest to this study. Namely, the 1902-1903 number, for its appeal on behalf of the Catholic Indian Schools; "The Sisters of the Blessed Sacrament Number," 1907, which contains an excellent account of Mother Katherine Drexel and also an article on Saint Mary's Academy at Sacred Heart; "The Archbishop Ryan Number," for the account of Saint Louis Industrial School at Pawhuska and Saint John's at Gray Horse; "Our Lady of Guadalupe Number," 1914, for splendid accounts of Sacred Heart Institute at Vinita, Saint Agnes School, Antlers as well as the items on missionary work among the Choctaws; "The Father de Smet Number," 1916, continues the story of "In Choctaw Lands" and includes a worthwhile article on Matthias Splitlog, one of the best known Catholic Indians in the Territory. The *Indian Sentinel* was a source for Catholic Indian history, not only in Oklahoma, but wherever Catholic Indian Missions are located, and is such that anyone writing in this field could not fail to consult.

Les Benedictines de Sainte Marie de la Pierre-qui-Vire. (Diocese de Sens). Pamphlet printed at Monastere de Sainte Marie de la Pierre-qui-Vire par Quarre les Tombes in 1877.

This little study containing seventy-four pages is a brief history of the founding of the monastery of Pierre-qui-Vire by the saintly, religious Father J. B. Muard, who died in 1854. The growth

of the community continued under Father Bernard Moreau during whose time the foundation in America was begun. The pamphlet discusses monastic life under the rule of the primitive observance.

Les Missions Catholiques. (*Bulletin hebdomadaire illustre de L'Oeuvre de la Propagation de la Foi. Lettres et recits des Missionnaires, Voyages, Geographic, Sciences, Arts, Cartes et Gravures inedites.* A Lyon, au bureau des Missions Catholiques rue d'Auvergne 6).

From January 26, 1877, until March 29, 1901, practically every issue of this publication gave some space to affairs in the Indian Territory. The articles included letters from Father Isidore Robot and other Benedictines at Sacred Heart; Decrees of the Propaganda such as naming Father Robot titular Abbot; the erection of the Novitiate at Sacred Heart and others; resignations, appointments, deaths, statistics, recruits, the beginning of new mission schools, erection of churches, missionary trips, the progress and development of the Vicariate, the appointment of a Vicar Apostolic, in short scores of articles concerning the Church in Indian Territory.

Letters and Notices, 50 Volumes. Roehampton, England, 1863-1936.

A publication by the Society of Jesus for private circulation only. Of interest to this study are the letters of Father Colleton and one of Father Ponziglione regarding the work at Osage Mission.

Little Star of the Black Belt. Lynchburg, Virginia, September, 1902. Volume I, No. 2.

The value of this small monthly publication is that it was edited by Father J. Anciaux who worked so zealously in the Territory in behalf of the negro. The article entitled "Langston and Oklahoma" gave a worthwhile picture of "little Africa." The publication had a number of reprints from other Catholic papers. A number of articles were signed by Father Anciaux, and thrown in here and there were several articles written in French.

Louisville Catholic Advocate, Louisville, Kentucky, November 6, 1876. Article concerning the yellow fever epidemic at the Isle of Hope, near Savannah, Georgia.

Lucy, Reverend John M., *Souvenir of a Silver Jubilee*, Little Rock, 1892.

This small publication, consisting of thirty-two pages, is a simple narrative of the church in Arkansas. It represents for the most part items jotted down from personal recollections or from conversations with persons familiar with the events. In it one may find a record of the visits made by priests from the diocese of Arkansas, of which the Indian Territory was a part until 1876. It gives a worthwhile picture of the diocese at that time, with the few scattered congregations; of the Indian Territory and the Forts where the priests made frequent visits. The value of the narrative lies in the fact that it is one of the very few publications on the church in Arkansas, and that what is mentioned concerning the visits of priests from Fort Smith is substantiated by the Baptism and Marriage Records available for anyone interested in this missionary work.

Memorial Volume. A History of the Third Plenary Council of Baltimore. November 9 to December 7, 1884. Baltimore, 1885. Contains a brief sketch of the life and an excellent picture of Father Robot.

Mills, Lawrence, *The Lands of the Five Civilized Tribes*. Saint Louis, 1919.

A treatise upon the law applicable to the lands of the Five Civilized Tribes with a compilation of all Treaties, Federal Acts, Laws of Arkansas, and of the Several Tribes Relating thereto, together with the Rules and Regulations prescribed by the Secretary of the Interior governing the sale of Tribal Lands, the Leasing and Sale of Allotted Lands and the Removal of Restrictions.

Morning Star. New Orleans, Louisiana, December 6, 1876.

New Orleans Morning Star. New Orleans, Louisiana, August 22, 1880.

New York Freeman's Journal and Catholic Register, 76 Volumes. New York, 1840-1909.

From the date of the erection of the Prefecture and the appointment of Father Robot, O.S.B., to the new mission field, the *Freeman's Journal*, under the direction of the aggressive James McMaster, began to record events connected with it. What is more important is the extensive correspondence between Father Robot and Mr. McMaster. For three years, 1876-1879, the letters of the Prefect Apostolic appeared in the columns of the *Freeman's Journal*. This correspondence was not mere notes. Father Robot wrote not only interesting letters but very long ones as well. They ranged in length from five pages to twelve and one consisted of twenty. During the year 1879 practically every issue of this newspaper devoted a large amount of space to the "Confraternity for Reparation to the Indians," a plan for raising funds for the Prefecture Apostolic. Each week during the entire year, the contributions received were listed and very frequently a number of letters that had been received were published. In addition there are dozens of Editorials devoted to the cause of the Prefecture and the work inaugurated by Father Robot. During this year, too, the difficulties between the *Freeman's Journal* and the Bureau of Catholic Indian Missions that grew out of the journal soliciting funds, an infringement on the rights claimed by the Bureau, was greatly publicized. Scathing editorials, sometimes two double columns in length, set forth the attitude of the editor toward the attacks on his pet plan. He emerged triumphant, it seems, for the Confraternity received the blessing of the Holy Father, the amount desired was collected and peace reigned once again in the columns of the *Freeman's Journal*. Of historical value are later issues of this paper, particularly during 1880-1884. After that date, however, the Prefecture did not seem to receive any publicity from this source. The *Freeman's Journal* is a source not only for the history of the Church in Indian Territory but has many articles of value concerning the Church in other parts of the southwest. The *Journal* began its publication in 1840, absorbing the *Catholic Register* in 1841. It continued until 1910 when it passed out of existence.

New York Tablet, New York, Saturday, June 1, 1878, the Catholic Indian Bureau; Saturday, August 24, 1876, account of Yellow

Fever in the South with particular reference to Savannah, Georgia; June 1, 1878, reference to the difficulty between the Bureau of Catholic Indian Missions and the *Freeman's Journal* over funds for the Indian Territory; September 21, 1878, an appeal of John Cardinal McClosky, Archbishop of New York for funds for the south stricken by Yellow Fever, of interest to this study because the first two novices at Sacred Heart came when the epidemic had claimed the lives of the greater number at the monastery on the Isle of Hope near Savannah.

Oeuvre, des Missions Catholiques des Etats-Unis D'Amerique, Rome, 1879.

A small pamphlet published by the Propaganda in the interest of the Catholic Missions of the United States. It contains a letter of the Sacred Congregation of the Propaganda, recommending the work to all the Bishops of the United States. It has also a brief explanation of the Bureau itself; the object of the work, in what it consists and its personnel. There is an estimate made of the number of Indians in the United States, those who are Catholic or the descendants of Catholics. The last page is devoted to an appeal for support and a list of the hierarchy approving the project.

Oklahoma Daily Capital. Guthrie Indian Territory, September 29, 1889. This was the first paper published in Oklahoma Territory. Contains an article announcing the opening of Saint Mary's Parochial School.

Orphan's Record, Oklahoma City, 1915-1924, II Volumes.

This was the second Catholic monthly to appear in Oklahoma. Of particular interest is Volume I which is characterized by the number of articles on matters of historical interest in the diocese. Many of these are signed and are all scholarly. They include such items as Catholic buildings erected; Catholic Churches incorporated; news from each of the parishes; reports from the various religious congregations; changes among the clergy; Episcopal appointments, and other subjects of purely historical character. Unfortunately the later volumes of this publication did not continue

recording Church history as was done the first year. Although all the succeeding issues fall far short of that of 1915 there are some that are of definite historic worth.

Ponziglione, Paul M., S.J., *Antecedents of the Osage Mission*. An article written by Father Ponziglione in 1897 and published in the *Saint Paul Journal*, September 12, 1935. The same article states that the original is to be found in the archives of the Passionist Monastery, Saint Paul, Kansas.

Purcell Register, Purcell, Oklahoma, March 30, 1893. A beautiful tribute by a non-Catholic, in a non-Catholic paper to the Benedictine Fathers at Sacred Heart.

Reports of the American Board of Commissioners for Foreign Missions. Boston, 1820, and continued up to the present time. It is one of the richest sources for the history of Presbyterian missionary activity with a substantial reference to their work in Indian Territory.

Reports of the Commissioner of Indian Affairs, 1832-1937. Contains reports from the missionaries and those in charge of the various Indian schools. In 1832 the office was established in the War Department and continued there until 1849. At this date it was removed to the Department of the Interior.

Reports of the Governor of Oklahoma Territory, Washington, 1893-1906.

A general description of the Territory, its natural resources, attractions, future possibilities with tables of statistics showing the industrial development, and other features of the new territory are contained in these yearly reports. Of particular value are the statistics showing the number of Catholic Churches, priests, chapels, stations, residences, church membership, schools for whites, colored, and Indians, and even the Sunday schools with their number in attendance. They serve as an index to the growth of the Catholic Church in the Territory. The condition, number, location and general progress of each Indian tribe is also given.

Revista Catholica, Las Vegas, New Mexico, April 30, 1893. Excursion of Reverend P. Salvador Persone, S.J., from Trinidad, Colorado, to the Mexican settlement in western Oklahoma. Also November 4, 1894. Father Persone describes another visit to the same Mexican settlement in company with Bishop Meerschaert.

Robot, Right Reverend Dom Isidore, *The Life of the Reverend Mary John Baptist Muard*. Founder of the Missionary Priests of the Benedictine Monastery of Saint Mary of Pierre-qui-Vire. Translated from the French of the Abbe Brulee, New York and Cincinnati, 1882.

This is the first printed account of the foundation of the Benedictine monastery of Pierre-qui-Vire, the Motherhouse of the Benedictine Fathers of Sacred Heart. It is evidence, too, of the untiring energy of the first Prefect Apostolic, who in the midst of his labors in the wilds of Indian Territory could devote some time to work of this nature.

Sadlier's Catholic Directory, Almanac and Ordo, New York, 1864-1889; also *Hoffman's Catholic Directory, Almanac and Clergy List*, 1886-1907. These directories list the churches and clergy, the stations with churches or chapels, the Indian tribes and stations without churches, the number of Catholic Indian Mission schools, the names of those in charge of such schools, the parochial schools and the number in attendance, academies, seminaries, students in each, baptisms recorded, and the Catholic population each year. From it could be obtained the name and place of residence of the clergy in the Territory.

Senate Mis. Docs., No. 137, 42nd Cong., 2nd Sess., Vol. II, April 11, 1872, Serial No. 1478. Confirmation of the reservation in I. T. to Great and Little Osage.

Schmeckebier, Laurence F., *The Office of Indian Affairs, Its History, Activities and Organizations*. (Service monograph of the United States Government, 48), Baltimore, 1927.

A detailed study of the relationship between the United States government and the Indian Tribes to the year 1928. The periods

of allotment and citizenship, particularly since 1887, is developed in detail. The removal of the Indians is briefly discussed. The tables of statistics, the maps, and the table of reservations and agencies were of particular interest to the study of Indian Territory.

Southern Messenger, San Antonio, Texas, April 6, 1905.

This issue contains an article reprinted from *The Living Age*, Langston, Oklahoma, Territory. It tells the story of the establishment of Holy Family Colored School, of the first teachers, and the school's growth and successful operation.

Thwaites, R. C., (ed), *Jesuit Relations and Allied Documents, Travels and Explorations of the Jesuit Missionaries in New France 1610-1791*. 73 volumes, Cleveland, 1896-1901.

----- *Early Western Travels, 1848-1846*, 32 volumes, Cleveland, 1904-1907.

From this compilation of western history, an excellent account of the Territory in the early part of the century may be found in Nuttall, Thomas, *Journal of Travels into the Arkansas Territory during the year 1819*, XIII, Cleveland, 1905.

Woodstock Letters. (*A record of the Current Events and Historical Notes connected with the Colleges and Missions of the Society of Jesus*), 64 volumes. Woodstock, Maryland, 1872-1935.

In this series printed for private circulation volumes III-IX, XI-XIII, XVIII, embracing the years 1874-1889, contain material pertinent to this study. The missionary trips made by Father Ponziglione, S.J., into the Indian Territory and the incidents connected with such visits are some of the items in these reports that help to show the extent of Jesuit activity in Indian Territory.

Wallrapp, Reverend James J., *Our Lady of Prompt Succor Church*, n. d. A booklet published some time before statehood, as all advertisements are listed Indian Territory, giving the history of Saint Agnes Academy, tuition charges, courses offered and a number of pictures showing the pupils at play and views of the

school. There is also a brief history of Our Lady of Prompt Succor Church, pictures of the small frame structure and the residence of the pastor, the names and addresses of Catholic Families in Ardmore and Surrounding Country. The booklet contains thirty-five pages.

SECONDARY WORKS

Books

Barnaba, Sister Mary, O.S.F., *A Diamond Crown for Christ the King. A story of the First Franciscan Foundation in Our Country 1855-1930*, Glen Riddle, Pennsylvania, 1930.

The book, an intimate, personal narrative was written to present and to preserve the record of the origin and religious work of the Sisters of the Third Order of Saint Francis. A brief account, with a few interesting pictures, is given of the schools in Indian Territory that were under their care.

Baska, Sister Mary Regina, O.S.B., *The Benedictine Congregation of Saint Scholastica: Its Foundation and Development (1852-1930)*. The Catholic University of America Studies in American Church History, XX, Washington, 1935.

Catholic Encyclopedia. An International Work of Reference on the Constitution, Doctrine, Discipline, and History of the Catholic Church, 15 volumes. New York, 1907.

Clarke, Richard Henry, *Lives of the Deceased Bishops of the Catholic Church in the United States*. New York, 1888.

Code, Reverend Joseph Bernard, *Great American Foundresses*, New York, 1929. Contains an account of Mother Katherine Drexel and the Sisters of the Blessed Sacrament.

Dehey, E. T., *Religious Orders of Women in the United States*, rev. ed. Hammond, Indiana, 1930.

Fitzgerald, Sister Mary Paul, *The Osage Missions: A Factor in the Making of Kansas*. Ph. D. dissertation St. Louis U. 1936.

By far the most scholarly treatment of the Jesuit Mission at Saint Paul, Kansas. The manuscript collection of Father Ponzig-

lione in the archives of Saint Louis University was the inspiration of this work. The development of the Mission was studied against a background of Government Indian Policy, Missionary Endeavor, and Indian Life and Customs. Based almost wholly on primary materials it is of singular importance to any one writing on the Osage Indians.

Gately, Sister Mary Josephine, *The Sisters of Mercy. Historical Sketches, (1831-1931)*. New Work, 1931. The history of the Sisters of Mercy is told "from historical matter gathered from five continents." The sketch on Saint Mary's School at Sacred Heart is disappointing.

Gittinger, Roy. *The Formation of the State of Oklahoma, 1803-1906*. University of California Publications in History, Volume VI, Berkeley, 1917.

Gould, Charles, N., *Oklahoma Place Names, Linguistic Origins, Physiographic Names, Names of Counties, Post Offices, Towns, Forts, Old Timers, Obsolete Terms*, Norman, Oklahoma, 1933.

Graves, William Whites, *Life and Letters of Reverend Father John Schoemmakers, S.J., Apostle to the Osages*, Parsons, Kansas, 1928.

Griffin, J., *Contributions of Belgium to the Catholic Church in America, 1823-1857*. The Catholic University of America, Studies in American Church History, XIII Washington, D. C., 1932.

Harlow, Rex, *Oklahoma Leaders. Biographical Sketches of the Foremost Living Men of Oklahoma*, Oklahoma City. 1928. Contains a biographical sketch of Right Reverend Francis C. Kelley, Bishop of the Oklahoma City-Tulsa Diocese.

Hodge, Frederick Webb (Ed), *Handbook of American Indians North of Mexico*. Bureau of American Ethnology. Bulletin 30, Parts I and II, Washington, 1907-1910. This is a simple source book for general information concerning the Indian Tribes, their removals, treaties made with the Federal government, and other items regarding their numbers, customs and religious belief.

Indian Territory, Descriptive Biographical, Geneological, including the Landed Estates, County Seats with General History of the Territory. New York, 1901. Contains several biographical sketches of Oklahoma priests.

Kinsella, Reverend Thomas H., *A Century of Catholicity in Kansas 1822-1922 Catholic Indian Missions and Missionaries of Kansas. The Pioneers of the Prairies*, Kansas City, 1921.

Contains notes on Saint Mary's Mission, Sugar Creek, the Diary of Father Hoecken and various old Indian Records.

Lewis, Theodore, *Spanish Explorers in the Southern United States.* The narrative of the Expedition of Hernando de Soto by the Gentleman of Elvas, edited by Theodore Lewis; of Alvar Nunez Cabeza, ed. by Frederick W. Hodge. The narrative of the expedition of Coronado by Pedro de Castaneda, edited by Frederick Hodge; with maps and a facsimile reproduction. New York, 1907.

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Morrison, William Brown, *Military Posts and Camps in Oklahoma*, Oklahoma City, 1936.

The author devotes considerable space to the non-Catholic missionaries who visited the Posts.

Owens, Sister Mary Lilliana, S.L., *The History of the Sisters of Loretto in the Trans-Mississippi West*, Ms., Ph.D. dissertation, Saint Louis University, 1935.

Portrait and Biographical Record of Oklahoma. Commemorating the achievement of citizens who have contributed to the progress of Oklahoma and the Development of its Resources. Chicago, 1901.

Shea, John Gilmary, *History of the Catholic Missions Among the Indians*, New York, 1885.

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Shipp, Bernard, *The History of Hernando de Soto and Florida or Record of the Events of Fifty-Six Years from 1512-1568*, Philadelphia, 1881. *A History of the Conquest of Florida or a narrative of what occurred in the Exploration of this Country by Hernando de Soto by The Inca Garcilasco de la Vega.* Translated from the French Version of Pierre Richelet from the original Spanish. A very rare book.

The History of Catholicity in Arkansas, ed., *Diocesan Historical Commission*, Little Rock, 1925.

The Romance of Oklahoma, Oklahoma Authors' Club, Oklahoma City, 1920. In a chapter entitled "The Light of the Cross," tribute is paid to the Catholic beginnings at Sacred Heart and to Bishop Meerschaert and his labors in the diocese.

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Walker, Francis A., *The Indian Question*, Boston, 1878.

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Winship, George Parker, "The Coronado Expedition 1540-1542," *Fourteenth Annual Report of the Bureau of American Ethnology 1892-1893*, Washington, 1896.

PERIODICALS

Anderson, Sister Pauline, O.S.B., "Benedictine Sisters in the United States," *Little Flower Monastery Messenger*. Newton, New Jersey, July, 1933.

Ave Maria, Notre Dame, Indiana, 1865-1938. January 20, 1877. Supports and approves the plans of Mr. James McMaster in the New York *Freeman's Journal* for raising funds for the Prefecture of Indian Territory.

Bandelier, Adolphe F. A., "Fray Juan de Padilla, the first Catholic Missionary and Martyr in Eastern Kansas, 1542," *American Catholic Quarterly Review*, XV (1890), 551-565.

----- "Final Report of Investigations Among the Indians of Southwestern United States Carried on from 1880-1885," *Papers of the Archaeological Institute of America, American Series*, III, IV, Cambridge, Massachusetts, 1886.

"The Benedictines" by one of themselves, *The Catholic World*, XXXI, (1880), 243-257.

Bolton, H. E., "The Jumano Indians in Texas 1650-1771," *Texas Historical Quarterly*, XV (July, 1911 to April, 1912).

Chronicles of Oklahoma. Published quarterly by the Oklahoma Historical Society, Oklahoma City, 1924-1938.

De Hasque, Reverend Urban, "Early History of Oklahoma," *The Southwest Courier*, Oklahoma City, Oklahoma, July-December, 1928.

----- "Religious Congregations in Oklahoma," *The Southwest Courier*, Oklahoma City, Oklahoma, March-May, 1930.

Donahue, David, "The Route of the Coronado Expedition," *Southwestern Historical Quarterly*, XXXII (January, 1929), 181-193. Presents the view that the expedition never left Texas.

Fitzgerald, Sister Mary Paul, "A Jesuit Circuit Rider," *Mid-American*, XVIII (July, 1936), 162-198. A life of Father Paul Ponziglione, S.J., based for the most part on the *Western Missions Journal*, Ms., collection at Saint Louis University.

Ganss, Reverend H. C., "The Indian Mission Problem, Past and Present," *The Catholic Mind*, New York, September, 1904. A scholarly discussion of the Peace Policy of President Grant, the organization and work of the Bureau of Catholic Indian Missions, Mother Katherine Drexel and the various religious orders working among the Indians.

Hitta, Reverend Aloysius, "Saint Patrick's Indian Mission at Anadarko, Oklahoma," *The Oklahoma Indian School Magazine* (Kiowa Edition), Chilocco, Oklahoma, December, 1932. This historical sketch is written by one who has been connected with the school since 1901.

Ketcham, William H., "Brief Historical Sketch of Catholic Indian Mission Work in the United States of America." *Miscellanea Theologica*, XXIX, No. 17.

----- "Our Catholic Indian Missions." *Miscellanea Historica, Ecclesiastica*, XIV.

----- "Black But Beautiful." Sermon on the occasion of the Reception of Novices at Saint Elizabeth's Convent Motherhouse of the Sisters of the Blessed Sacrament for Indians and Colored People. Maud P. I., Bucks County, Pennsylvania, February 15, 1909.

Lanslots, Reverend D. I., "Saint Anthony's Hospital," *The Acorn*, Oklahoma City, 1936. This annual publication by the nurses of Saint Anthony's Hospital contains a signed article by Father Lanslots who is now living in Belgium. The circumstances connected with the building of the hospital, its subsequent growth and expansion is told by the one because of whose influence the first buildings were erected in 1898.

Mildred, M. M., S.H.C.J., "James Alphonsus McMaster, pioneer Catholic Journalist of the United States," *Records of the American Catholic Historical Society*, XLVI (March, 1935). 1-25.

The article was written in an effort to arouse interest in the life of Mr. McMaster who displayed such a keen interest in every question that concerned the religious, social and political life of his generation. He was editor of the *Freeman's Journal* for forty years.

Rothensteiner, Reverend John E., "The Champion of the Catholic Indian Schools," *Central-Blatt and Social Justice*, XVII (1924-1925).

Saint Rose of Lima Parish Bulletin, Perry, Oklahoma, 1935-1938, XIII (September, 1933).

A small monthly publication edited by Reverend Urban de Hasque. Half of the space is devoted to the affairs of the parish, the remainder to diocesan history.

Smith, Helen Kate, "A Woman of the Drexels," *The Sign*, Union City, New Jersey.

This calls attention to a work for the Indian and Negro population that had been going quietly on for nearly a half century. It gives a short biography of Mother Katherine Drexel and a brief discussion of the work of the Sisters of the Blessed Sacrament.

Steck, Francis Borgia, "The Neglected Aspects of the De Soto Expedition," *Mid-America*, XV (July, 1932), 2-27.

Stalfa, Florence J., "Catholic Folk Organized in '92," *The Daily Ardmoreite*, Ardmore, Oklahoma, July 21, 1937.

Gives a brief history of the Church at Ardmore, based in part on the church records and the writings of Reverend Urban de Hasque.

The Central Catholic Advocate, August 14, 1884. "The Benedictines in the Diocese of Savannah."

The Southwest Courier, Oklahoma City, 1925-1938.

No other printed source contains more material on the church in Oklahoma than the files of this Catholic weekly.²

² Sister M. Ursula Thomas, O. S. B., Ph. D., teaches at Monte Cassino, Tulsa, Oklahoma.

BOOK REVIEWS

A Political History of the Cherokee Nation. By Morris L. Wardell. (Norman: University of Oklahoma Press, 1938. vi+383 pp. Illustrations, maps, bibliography, index. \$3.50).

In the thirties of the past century the Cherokee Indians emigrated from the ancestral lands east of the Mississippi River to the Indian Territory, where they reestablished their homes and national institutions.

For three quarters of a century this noble people struggled against bewildering and weakening complexities—difficulties of a domestic nature and problems arising from Federal relations. No sooner had the weary Indian Acadians set foot in their new lands than there broke out among them an intense and bitter factionalism that was to drive many families out of the Nation and leave many more homes broken by murder. A disturbed financial condition, in part a consequence of the enforced but inevitable removal, likewise intensified the internal disharmony and demanded the attention of the Nation's most capable leaders. By the late 1840s, however, a measure of peace and stability had been restored; and it looked as if the Cherokees might for a while devote themselves to the task of strengthening their national autonomy. But soon the ominous rumblings of the Civil War were heard; and the Indians, by their position on the frontier, were forced into that struggle between the states which was no quarrel of their own. Those years of destruction, which wrought a woeful damage to the Cherokee domain and to the Indian morale, were followed by a political, social, cultural, and economic reconstruction. These post-war perplexities were intensified by the intrusion of an alien population and by the constantly increasing Federal intervention. Finally the defense of the Nation was dissipated and the loss of tribal autonomy was accomplished. So, in 1907, the Cherokee Nation passed out of existence as a separate political entity and the history of that proud people became fused with the greater history of the Commonwealth of Oklahoma.

This study of the Cherokee Nation in the Indian Territory becomes the second of the general histories of the Five Civilized Tribes. As the title indicates, the author has emphasized the political phases of the tribal story. And that is as it should be: for the Cherokees, unlike some of their other Indian neighbors, wrote an eventful record of governmental experimentation and federal diplomacy. The parties and factions among them, each fighting for recognition, let pass no opportunity to press their suit at home and abroad. And though this party rivalry had somewhat abated by the close of the Civil War, there were other factors demanding due deliberation of the council, causing close and contested elections, and detailing delegations to Washington City.

The details of this story, of which the long and sanguine Ross-Treaty Party feud was but one, have not been easy to delineate; but Doctor Wardell has recorded the confused and conflicting points without bias and with care. He has presented the action in its relation to the eventful national setting; and the result is a study that is much more than local history. For this study the author has done a prodigious amount of research; and the hope has been expressed that Doctor Wardell may make use of some of the material he was unable to include in this study toward the preparation of a social and institutional study of the Cherokee people. Such a sequel would make a fitting companion volume to this splendid contribution.

This volume, being number seventeen in the notable series *The Civilization of the American Indian* is in keeping with the fine products we have come to expect from the University of Oklahoma press. It is excellently printed; aptly and beautifully illustrated. There are several appendices containing pertinent documentary material. The bibliography is comprehensive and the index is adequate and flawless.

—Gaston L. Litton.

The National Archives.

A History of Historical Writing. By Harry Elmer Barnes. (Norman: University of Oklahoma Press, 1937. 434 pp. \$3.50.)

To encompass the long story of historical writing within a modest volume of 434 pages is indeed a notable achievement and one must respect the enormous labor of both reading and composition that were involved. The author has conceived and carried to completion an ambitious project. In his preface he invites competition but it is unlikely that any one will take him up in the near future.

While the book is ostensibly a text on historiography, much of the latter part is taken up with a development of the author's own point of view. Mr. Barnes is an exponent of the "new history" and he approaches his task from a very definite point of view which he seems to avow in the preface as his own,—

By a continuously increasing number of authorities it (history) is coming to be considered as, in the main, a genetic social science, which is concerned with reconstructing as far as may be possible, the past thoughts and activities of humanity.

He dismisses with scant consideration the view that history is a branch of literature and throughout the book, literary merit is regarded as simply a matter of a pleasing style and not of supreme merit. Starting from this assumption he gives a survey of historical composition from the "artifacts" of early man down to the "new history" which he seems to regard as ultimate. It is defined in the words of James Harvey Robinson as "all that we know about everything that man has ever done or thought or hoped or felt." But the author at times is afflicted with doubts whether there exists any final truth to be discovered by the historian, whether our so-called historical facts are not really, according to Carl Becker, merely "symbols." Mr. Barnes does not seem to see that with the elimination of "objectivity" the idea of there being a "science of history" also vanishes. Yet he insists on a "science," and casts his net far and wide in search of facts

for the consideration of his "scientist." One is permitted to doubt whether the assembly of such material, however impressive in quantity and variety can produce history unless fused in the crucible of a reflective mind. And that makes history-writing what the present reviewer takes it to be—merely a form of literature in which subjective is the predominating factor. That is a question of philosophy and one's *Weltanschauung*.

The book has a cosmic sweep from the first crude scratchings of the caveman down to the newest Marxian history, but there is nothing cosmic in Mr. Barnes' views when he comes down to contemporary times. Here he asserts his position dogmatically and identifies truth with his own beliefs, even venturing boldly into the future. Subjectivity thus driven out one door comes in at the other.

The war guilt controversy in which Mr. Barnes first won his spurs, is a case in point, where he lays about him with great vigor demolishing the so-called myth of German guilt. Much of the fervor and passion seem already strangely misplaced in view of the new aggressions Germany is now openly contemplating, and the wholesale distortion of truth being practised by the Nazis. One feels that this is typical of Mr. Barnes' writing; the issue into which he throws himself appears to him so vital at the time, but looked at from a longer perspective, seems a little ridiculous. This reviewer has no objection to historians plunging into current affairs and becoming controversialists, but by so doing, they cease to be historians. If they identify their partisan views with truth, the logic of events will leave them stranded in helpless impotence unless they link up their own dogmas with adequate force. This is reducing the world to intellectual chaos in which there is not truth, but force.

As a more fruitful means of interpreting the world, the "new history" has arrived. But it seems to this reviewer that all that he is saying is that an historian needs a firm grounding in philosophic thought and an encyclopaedic breadth of reading. Many of the positions he so vigorously attacks had long been given up

by intelligent people a generation ago, so it seems pointless to go on beating a dead horse.

The dangers to historical truth coming today from right and left he dismisses with easy optimism as a mere temporary lapse. This reviewer wishes he could be as sanguine. The interpretation and teaching of history has long been a means of predetermining social attitudes. State and Church found it a ready means of securing that unanimity which is the basis of collective action. Emancipation from this control has been spasmodic and rare, and in our own day we have seen history brought into line with the demands of political expediency to the point even of what seems on any reasonable standard, sheer falsification. The future of history is, we think, bound up with the development of free institutions and the liberal and tolerant attitude of mind. If they survive, history will survive. If not, the study of history will simply consist in straining evidence through the partisan net to secure proof of our particular political tenets.

It would be ungenerous to call attention to the numerous slips. In a work of such sweep, where there are sometimes forty or fifty names or titles on a page, it would be inevitable that errors should creep in. But it seems as if the writer should have guarded against serious omissions which indicate failure to appreciate the significance of a writer or a school, e.g. no mention is made of the contributions of Uspenskii, or Vasilievskii in the field of Byzantine studies.

—S. R. Tompkins

University of Oklahoma

MINUTES OF THE QUARTERLY MEETING OF THE BOARD OF DIRECTORS OF THE OKLAHOMA HISTORICAL SOCIETY JULY 28, 1938.

The regular quarterly meeting of the Board of Directors of the Oklahoma Historical Society convened in the Historical building, Oklahoma City, Oklahoma, July 28, 1938, at 10:00 A. M., with Judge Robert L. Williams, President, presiding.

The Secretary called the roll which showed the following members present: Judge Harry Campbell, Judge Thomas H. Doyle, Judge Thomas A. Edwards, Dr. Grant Foreman, Judge Robert A. Hefner, Mrs. Frank Korn, Col. A. N. Leecraft, Mrs. Blanche Lucas, Mr. John B. Meserve, Hon. W. J. Peterson, Judge Wm. P. Thompson, Judge Robert L. Williams and Mr. James W. Moffitt, the Secretary.

Judge Robert A. Hefner moved that all absentees be excused on account of the rain. Motion was seconded and carried.

Judge Robert L. Williams read the following letter of presentation:

Durant, Oklahoma,
July 23, 1938.

OKLAHOMA HISTORICAL SOCIETY,

Oklahoma City, Oklahoma.

"I herewith present and donate to the Historical Society for the Confederate room, photostatic copies of large photographs, 8¼ by 11½ inches, to-wit:

"Jefferson Davis, President of the Confederate States of America.

"Alexander H. Stephens, Vice-President of the Confederacy.

"Group picture of all members, at different periods of the cabinet of Jefferson Davis, President of the Confederacy, to-wit: Secretary of State Robert Toombs; Secretary of State R. M. T. Hunter; Secretary of the Treasury C. G. Memminger, and George A. Trenholm; Secretary of War LeRoy Pope Walker, and John C. Breckenridge, and James A. Seddon, and G. W. Randolph; Attorney General Judah P. Benjamin, and Thomas H. Watts; Secretary of Navy Stephen R. Mallory; Postmaster General J. H. Reagan; Assistant Secretary of War J. A. Campbell, formerly a Justice of the Supreme Court of the United States of America.

"I also present separate photostatic photographs of all of said members of the cabinet.

"Robert Toombs, in addition to being first Secretary of State of the Confederacy, was a member of the Confederate Senate and a Brigadier General in the Confederate Army.

"Thomas H. Watts resigned as Attorney General to become Governor of Alabama in the fall of 1863 and continued in that official position until the Confederate Government was superseded in the South.

"Judah P. Benjamin was Attorney General until September 7, 1861, second Secretary of War, third Secretary of State.

"I also present photograph of Rear-Admiral Raphael Semmes, Confederate States Navy, Captain of the 'Alabama,' from a photograph taken in England after the loss of his ship, the Alabama.

"Also photograph of Rear-Admiral Raphael Semmes in his uniform as such evidently taken while he was in active service.

"Also photostatic photograph of Lucius Quintus Cincinnatus Lamar, Colonel of the Eighteenth Mississippi Regiment, Confederate States of America, and Confederate Commissioner to Russia, France, and England in 1863. Both before and after the Civil War he was a member of the Congress of the United States, and also United States Senator from Mississippi, after the war, and a justice of the Supreme Court of the United States.

"Also photostatic photograph of J. A. Campbell, a Justice of the Supreme Court of the United States, at the organization of the Confederate States government, when he resigned and aligned himself with the Confederacy, and served as Asst. Secretary of War.

"Also photostatic photograph of James M. Mason, Confederate Commissioner to Great Britain, who was a United States Senator prior to the Civil War.

"Also two photostatic photographs of Howell Cobb, one when he was Speaker of the House of Representatives in the Congress of the United States of America, March 3, 1849—March 3, 1851; Governor of Georgia, 1851-53; Secretary of the Treasury in the cabinet of President Buchanan, March 6, 1857—December 10, 1860; Chairman of the convention of delegates from the seceded States which assembled in Montgomery, Ala., on February 24, 1861, to form a Confederate Government; during the Civil War was appointed a brigadier general in the Confederate Army February 13, 1862, and promoted to major general September 9, 1863; surrendered at Macon, Ga., April 20, 1864, then becoming a prisoner of war. Fort Cobb in Caddo County was named for him.

"Also Wm. L. Yancey, member of the Congress of the United States, prior to the Civil War, and during the Civil War was a member of the Confederate Senate and Confederate Commissioner to France and England."

Robert L. Williams.

Judge Harry Campbell moved that the photographs be accepted and that Judge Williams be thanked for this contribution and that same be framed and hung in the Confederate Memorial room, this being an authorization for such expenditure. Motion was seconded and carried.

Judge R. L. Williams read the following report on the Sequoyah Shrine project.

Durant, Oklahoma,
July 23, 1938.

OKLAHOMA HISTORICAL SOCIETY,
Oklahoma City, Oklahoma.

"As chairman of the committee on the Sequoyah Shrine project, beg to report that after the death of the late W. W. Hastings, who was Treasurer of the committee on said Shrine, that I checked up and audited the amount of funds in his hands and found said sum to be \$380.03, which is on deposit to his credit as Treasurer and Trustee in the First National Bank of Tahlequah.

"I ask this Board to confirm the appointment of R. M. Mountcastle, of Muskogee, Oklahoma, as successor to the late W. W. Hastings, a member of said committee, and the committee will then be constituted as follows:

R. L. Williams, Chairman,

Grant Foreman,

R. M. Mountcastle, Treasurer.

"The president of the First National Bank advised me that they would pay over to said committee or its treasurer the said sum of \$380.03 provided that the Society, through said committee, guarantee said bank against any harm or loss in paying said sum to the order of its treasurer.

"I ask that this Board confirm such authorization.

"Beg also to report that in addition to the \$380.03 on deposit with the First National Bank, Tahlequah, I have on deposit with the Durant National Bank in a special account for the Sequoyah Shrine project, the sum of \$115.50, representing \$100.00 contributed by Mr. Ewing Halsell of Vinita, and \$15.50 returned by Dr. Grant Foreman out of a check sent him by the late W. W. Hastings to pay Mr. Fred Suhre for the bronze tablets. The expense of the tablets being only \$114.50, Dr. Foreman refunded the \$15.50 which I placed in that special account. The bronze tablets are in the Sequoyah Shrine Home, but as yet they have not been attached with proper fasteners. Dr. Foreman has that matter in hand and he will make report thereon.

"In May, 1938, Mr. J. W. Moffitt, Secretary, enclosed to me a statement compiled by Miss Mulholland, Chief Clerk, that there was a balance of \$141.61 set aside of the private funds of the Oklahoma Historical Society that were still available on the Sequoyah Home project, and that would seem to indicate with that available sum with the two sums heretofore referred to that we have now available the total sum of \$637.14, unless some later voucher has been drawn or is to be drawn against this balance of \$141.61.

"We are endeavoring to get the survey made so we can submit application for an additional project to open up a 100 foot road or right of way from a point south of the Blair place going east parallel to the north wall or enclosure of said ten acres constituting the Sequoyah Shrine, thence southeast to the gate on the north side with an easement for parking.

"We have that now practically worked out and as soon as the survey is made so we can get the description, the owners have agreed to execute the easement.

"Dr. Grant Foreman has been away but Mr. R. M. Mountcastle is looking after this matter, and I have just been advised by him that he would go out with the engineer right away to get this survey made.

"Mr. Schendel, engineer at the Muskogee WPA Area Office, has agreed to make this survey.

"At the meeting in Tahlequah on May 5 and 6, 1938, resolution was made for an additional authorization of \$250.00, either out of the State-appropriated funds available therefor, including funds transferred to some specific account to make them available for such purpose, or out of the private funds to be expended for this project, and finishing this matter if it was needed for such purpose, and the President was authorized to draw the voucher or requisition to be countersigned by the Secretary."

Robert L. Williams, President.

Dr. Grant Foreman moved that the committee be authorized to carry into effect the recommendations as outlined in this report, including the appointment of Mr. R. M. Mountcastle as treasurer of this fund, and such authorization as to guaranty. Motion was seconded and carried.

Hon. W. J. Peterson moved that the committee be authorized to withdraw the said sum of \$380.03 from the First National Bank at Tahlequah, guaranteeing said bank against any loss in paying said sum of money to the order of the committee's treasurer. Motion was seconded and carried.

Judge R. L. Williams read the following report on the Robert M. Jones Cemetery project:

"OKLAHOMA HISTORICAL SOCIETY,
7-19-38.

"In the matter of Robert M. Jones Cemetery, this matter is completed. On April 26, 1938, the cornerstone was laid and dedication had. The inscription on the cornerstone is as follows:

"THE MOST WORSHIPFUL GRAND LODGE
A. F. & A. M.
OF THE STATE OF OKLAHOMA
(Masonic Emblem)
JOHN R. ABERNATHY GRAND MASTER
April 26, A. D. 1938. A. L. 5938."

Then on the other side it is inscribed as follows:

"ROBERT M. JONES MEMORIAL
REPRESENTATIVE FROM THE CHOCTAW NATION
IN THE CONGRESS OF THE CONFEDERATE
STATES OF AMERICA

OKLAHOMA HISTORICAL SOCIETY
R. L. WILLIAMS
W. B. MORRISON
A. N. LEECRAFT
G. E. HARRIS
W. A. LOFTIN, COMMITTEE
W. S. KEY, W. P. A. ADMINISTRATOR
H. G. HIXSON, ENGINEER"

"The Robert M. Jones Cemetery in which he is buried, together with members of his family, is enclosed in a substantial stone wall in octagonal shape, 100 feet square on a plot of ground 300 feet square enclosing the family burying ground of Robert M. Jones, including his grave, at Rose Hill, about four and one-half miles southeast of Hugo in Choctaw County, State of Oklahoma, described as follows:

"Starting at the NW corner of Sec. 5, T. 7S, R. 18 E.; thence south along the west line of said Sec. 5 a distance of 2196 feet; thence due east a distance of 299 feet for a point of beginning; thence due south a distance of 300 feet; thence due east a distance of 300 feet; thence due north a distance of 300 feet; thence due west a distance of 300 feet to the place of beginning, containing 2.06 acres of land more or less.

"Same being a block of land 300 feet square, located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 5, T. 7 S. R. 18 E. (Choctaw Nation) of the Indian Base and Meridian (Formerly Indian Territory) according to the United States Survey thereof,

"Covered by Guardian's deed from J. H. Randell, Guardian, to the State of Oklahoma, in Trust for the Oklahoma Historical Society. Deed filed for record on April 29, 1937, in the office of the County Clerk of Choctaw County, State of Oklahoma and recorded in Book 189, page 228.

"This plot of ground is enclosed with a substantial wire fence, animal proof, 300 feet square with a substantial gate entrance. The stone enclosure also has a substantial steel gate entrance. Within the wall is a steel flag pole painted in aluminum.

"The committee's work is now completed. We ask, however, that the President and Secretary be authorized to negotiate with the American Legion Post, at Hugo, Oklahoma, and the organization of the Daughters of the Confederacy at said place with a view of having them to take joint custodianship of these grounds. I have been advised that these organizations contemplate holding their patriotic meetings on these grounds. An American flag now floats over the grave of Robert M. Jones, a delegate from the Choctaw Nation to the Congress of the Confederate States of America, at Richmond."

This 20th day of July, A. D., 1938.

Robert L. Williams,
Chairman for said Committee.

Judge Robert A. Hefner moved that this written report be included in the minutes. Motion was seconded and carried.

The Secretary presented his report which was filed.

Judge Thomas H. Doyle moved that the reading of the minutes of the previous meeting be dispensed with at this time. Motion was seconded and carried.

The President presented Mr. Milo F. Christiansen, of the Regional Park Service, who discussed the first draft of a plan for the preservation of Oklahoma Historic sites to be worked out by the National Park Service, the State Planning Board and the Oklahoma Historical Society.

The President appointed a committee consisting of Dr. Grant Foreman, Chairman, Hon. W. J. Peterson with himself as ex-officio member to constitute a committee to work with the National Park Service and the State Planning Board in the preparation of a tentative plan for the preservation of historic sites in Oklahoma to be included in a general state plan, the function of the committee on the part of the Historical Society being merely advisory.

Mrs. Blanche Lucas moved that the Secretary of the Historical Society write each of the state historical societies and ascertain what they are doing in such matters in the way of preserving historical sites. Motion was seconded and carried.

Judge R. L. Williams read a statement concerning Fort Gibson and the appointment of a committee of five to supervise the maintenance of the Barracks building, as provided at the annual meeting May 6, 1938, and reported that he would appoint the committee later.

The question of cases for the artifacts from the Spiro mound was discussed.

Judge Robert A. Hefner moved that three center cases styled No. 9810 be emptied, the material wrapped and placed in the locked store room, and two table cases styled No. 9809 be emptied likewise and the five cases

be used for displaying the artifacts from the Spiro mound in the east corridor of the museum. Motion was seconded and carried.

The surplus funds that will revert were discussed.

Col. A. N. Leecraft moved that the President with a committee appointed by him, be authorized to ask the legislature to re-appropriate non-used funds to extend the mezzanine floor in the basement of the newspaper stack room. Motion was seconded and carried.

The President appointed Col. A. N. Leecraft and Hon. W. J. Peterson on this committee.

Dr. Grant Foreman presented the reports of Mrs. Rella Watts, archivist in charge of the archives of the various Indian Agencies in the State of Oklahoma, deposited with the Historical Society; and the report of Mrs. Helen S. Carpenter, director of Project S-179 for indexing and cataloguing the newspapers and other papers, which reports were ordered received and filed.

It was reported that the indexing and cataloguing project No. S-179 would end about the middle of October, 1938.

Judge Robert A. Hefner moved that the President be authorized to take such action as may be necessary to extend this project S-179 for indexing, cataloguing, etc., until March 15, 1939, and to use any funds available, either state appropriation specifically available for such purpose or all such as may be available by transfer, all such transfers being hereby specifically authorized, so that such state specific appropriation or such appropriation by transfer as hereby authorized may be available for such purposes, and also any private funds that may be necessary to expend for such purpose, all state appropriations and transfer of such being exhausted. Motion was seconded and carried.

The need of more steel filing cases for cards was discussed.

Hon. W. J. Peterson moved that four steel filing cases be purchased at an approximate cost of \$432.00, and the authorization of the expenditure of any available funds specifically available or by transfer available, all of which are authorized. Motion was seconded and carried.

Dr. Grant Foreman moved that the President be authorized to cause proper requisitions to be drawn for book cases to take care of the bound volumes of the Indian-Pioneer project collection, also cards for indexing and cases to hold these cards, to be paid for out of any funds available either by specific appropriation or transfer or state-appropriated funds, which are hereby authorized, and that binding of all unbound volumes of said project be completed under the same authorization for expenditure. Motion was seconded and carried.

Dr. Grant Foreman moved that the motion made by Judge Wm. P. Thompson as recorded on page 252 of Vol. 16, No. 2 of *Chronicles of Oklahoma*, to-wit: "The sum of \$750.00 is made available from the private funds or any state-appropriated funds available for such purpose, same to be drawn on the Treasurer by voucher or order of the President, countersigned by the Secretary" is amended so as to include any State-appropriated funds of any character whether by transfer or otherwise, and that motion is so amended as to state \$750.00 is set aside to be used as the sponsor's part to finance said project No. S-179, or any extension or renewal of said project, or any project in lieu thereof. Motion was seconded and carried.

The Secretary reported that the rent on typewriters for July, 1938, used by the workers on project No. S-179, had not been paid and no state funds were available to pay this rent, amounting to \$17.50.

Judge R. A. Hefner moved that this rent, i. e., \$17.50 be paid out of the private funds of the Society. Motion was seconded and carried.

The Secretary read the following list of applicants for annual membership in the Society: J. R. Barbee, Tulsa; Anna L. Bockoven, Oklahoma City; Ray P. Boyce, Oklahoma City; Mrs. Ann Mayer Cooper, Chandler; Mrs. Elizabeth W. Cosgrove, Muskogee; Nathaniel Folsom, Hartshorne; Mrs. Hopewell Fox, Columbia, Mo.; Dr. James V. Frederick, Pawhuska; Hugh M. Hamill, Chilocco; C. W. Johnson, Morris; Dr. G. E. Johnson, Ardmore; Mrs. Ed T. Kennedy, Pawhuska; Rev. C. W. Kerr, Tulsa; Mrs. John C. Newton, Miami; Milton E. Parker, Oklahoma City; O. D. Sartin, Cedervale, Kans.; Mrs. H. K. Smith, Springfield, Ill.; D. D. Tidwell, DeLeon, Texas; James Watzke, Henryetta.

Col. A. N. Leecraft moved that they be elected as annual members of the Society. Motion was seconded and carried.

Judge Thomas H. Doyle moved that Mr. Moss Patterson of Oklahoma City be elected to life membership in the Society in recognition of the services rendered to the Historical Society. Motion was seconded and unanimously carried.

Dr. Grant Foreman recommended the purchase of a set of photostat copies from the National Archives, Washington, D. C., relating to the Boudinot newspaper controversy 1875, Historical sketches of Creek Council resolutions and Reports on investigations of complaints by loyal Creeks against Agent Lyons; for \$19.30, and upon motion duly seconded the purchase was ordered to be paid out of the private funds of the Society.

Hon. W. J. Peterson moved that Mrs. Frank Korn be commissioned to express to Mrs. John R. Williams and Mrs. Jessie E. Moore the sympathy of the Board members on account of their illness, and hope for their speedy recovery. Motion was seconded and carried.

There being a vacancy on the Board caused by the resignation of Dr. J. B. Thoburn, Mr. John B. Meserve nominated J. B. Milam of Chelsea to fill the vacancy. Judge Wm. P. Thompson and Dr. Grant Foreman both seconded the nomination.

Judge Thomas H. Doyle nominated John B. Doolin of Alva to fill the vacancy. Judge R. A. Hefner seconded the nomination.

Hon. W. J. Peterson and Judge R. A. Hefner were appointed tellers. The vote by ballot resulted as follows: J. B. Milam received five votes and John B. Doolin received seven votes. Mr. Doolin was declared elected to fill the vacancy on the Board of Directors.

Judge Thomas H. Doyle moved that Dr. Joseph B. Thoburn be elected custodian of the Union Soldiers' Memorial Room, to begin August 1, 1938. Hon. W. J. Peterson moved that the nominations be closed and that the rules be suspended and the Secretary be instructed to cast the entire vote of the Board for Dr. Joseph B. Thoburn. The motion was seconded and carried and the Secretary cast the unanimous vote of the Board for the appointment of Dr. Joseph B. Thoburn as custodian of the Union Soldiers' Memorial Room to begin August 1, 1938.

Judge R. A. Hefner moved that the Board express its appreciation to Mrs. Kate O. Ringland for her services ad-interim after the death of her husband. Motion was seconded and carried.

Upon motion of Hon. W. J. Peterson, duly seconded, the meeting stood recessed subject to the call of the President.

Robert L. Williams, President.

James W. Moffitt, Secretary.

The
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of OKLAHOMA

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THE OKLAHOMA HISTORICAL SOCIETY

EDITORIAL AND PUBLICATION COMMITTEE

GRANT FOREMAN

GEORGE H. EVANS

JOHN B. MESERVE

HARRY CAMPBELL

JAMES W. MOFFITT

Correspondence in regard to contributions to the *Chronicles of Oklahoma* should be sent to James W. Moffitt, Oklahoma Historical Society Building, Oklahoma City, Oklahoma.

The Oklahoma Historical Society sends the *Chronicles* to its members. The cost of annual membership is one dollar; of life membership twenty-five dollars. The subscription for non-members is two dollars per year. Membership applications and dues should be sent to the Secretary.

Materials which illustrate in any manner the history of Oklahoma, the Indians, and the southwest will be gladly received and carefully preserved. Donors will receive suitable acknowledgment of their generosity.

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The Chronicles of Oklahoma

Volume XVI

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OKLAHOMA HISTORICAL NOTES

Edited by
James W. Moffitt.

Impressive dedicatory exercises were held at the Robert M. Jones cemetery near Hugo, Oklahoma, April 26, 1938, with the following members of the Board of Directors of the Oklahoma Historical Society present: Judge Robert L. Williams, President; Gen. William S. Key, Vice-President; Col. A. N. Leecraft, and James W. Moffitt, the Secretary. The meeting was opened with prayer by Rev. Ebenezer Hotchkin. Judge Robert L. Williams then delivered an address on the history of Robert M. Jones and of the steps leading to the preservation of his cemetery. Music was furnished by the Hugo band. The Masonic service was carried out at the laying of the corner stone and also at its dedication with John R. Abernathy, the Grand Master, and other Grand officers participating. The allegiance to the flag was also rendered. A list of the articles to be placed in the corner stone was read. The corner stone was then laid. The president of the Oklahoma Historical Society then presented Gen. William S. Key who addressed the gathering. Afterwards H. G. Hixon, Dr. G. E. Harris and also Otis Harwood, area supervisor for the Works Progress Administration, who represented Ron Stephens, State Administrator of the Works Progress Administration, were introduced. Harwood presented the corner stone to Judge Williams who in turn accepted it for the Oklahoma Historical Society. The president then introduced J. H. Randell of Denison, Texas, who represented the Randell family, his brother, the late G. G. Randell, having married the daughter of Robert M. Jones. Descendants of Robert M. Jones were present, including the children and grandchildren of the late Robert M. Love of Shawneetown and Clarksville, Texas, who was a grandson of Robert M. Jones. Judge Earl Welch of Antlers, of

the State Supreme Court, was also present, as were Judge Thomas W. Hunter, Hugo, County Judge of Choctaw County; the Honorable Victor Locke, a former chief of the Choctaw Nation, and Dr. W. B. Morrison of Durant. The Hon. W. A. Durant spoke for the Choctaw Nation during the exercises in a brief address. The Hon. Ben Carter, county attorney of Bryan County and a son of the late Congressman Charles D. Carter, spoke for the Chickasaws. Then there were included two aged Negroes, Ed Bailey and Andrew McAfee. After a prayer, the benediction was given by Rev. E. B. Miller of Goodland and the meeting stood adjourned.

A large and interested crowd, including members of the United Daughters of the Confederacy and of the American Legion, was given the opportunity to view the handsome corner stone and graveyard with the durable wall surrounding it. On the corner stone appears the Masonic emblem with the following inscription: "April 26, 1938, AL 4938," and also the following: "Robert M. Jones Memorial, Representative from the Choctaw Nation in the Congress of the Confederate States of America." With the names of the Committee representing the Oklahoma Historical Society, "R. L. Williams, W. B. Morrison, A. N. Leecraft, G. E. Harris, W. A. Loftin," and also the name of W. S. Key, Works Progress Administrator, and H. G. Hixon, Engineer.

The following have been elected to membership in the Oklahoma Historical Society during the year: Mrs. George Burris, Ada; Mrs. Lillie Byrd Dickerson, El Paso, Texas; John B. Fink, Oklahoma City; Walter H. Foth, Cordell; E. A. Gourd, Rosedale; William D. Gray, Winter Haven, Florida; Thomas C. Humphrey, Jr., Tulsa; Whit Ingram, Oklahoma City; Mrs. Laura Pierce Kendall, Oklahoma City; R. Vinson Lackey, Tulsa; Newton Melville, Arkansas City, Kansas; Oscar E. Payne, Tulsa; Gilbert L. Robinson, Oklahoma City; John W. Ryle, Norman; Mrs. S. J. Soldani, Ponca City; Louise Thomson, Meeker; Thomas Waters, Hennessey; Mrs. Charles Lincoln White, Oklahoma City; John M. Wilson, Tulsa; Hampton W. Anderson, Dallas, Texas; Waldo Joseph Bashaw, Tulsa; Hazel E. Beaty, Oklahoma City; C. E. Burlingame, Bartles-

ville; Mrs. Helen S. Carpenter, Shawnee; Mrs. Byron Cavnar, Hinton; Frank M. Colville, Alhambra, California; Ella M. Covell, Tahlequah; Mrs. Lillian P. Davis, Oklahoma City; Mrs. Adelaide DeSaussure, Oklahoma City; Frances Elizabeth Duke, Oklahoma City; B. H. Elliott, Tulsa; Frank F. Finney, Bartlesville; Mrs. Eula C. Froman, Weatherford; Mrs. Clarence A. Gwyn, Kingfisher; John J. Harrison, Holdenville; J. D. Hartzler, Partridge, Kansas; George DeWitt Holden, Arlington, Virginia; Mabel Davis Holt, Stillwater; Arthur B. Honnold, Tulsa; Mrs. Gilbert L. Hyroop Oklahoma City; Thomas Ray Langford, Britton; Harley E. Lee, Kansas City, Missouri; Mrs. Garnett R. Love, Denison, Texas; Robert Lee Lunsford, Cleveland; W. P. Neff, Miami; Henry J. Polk, Sweetwater, Texas; Vinnie Ream, Wapanucka; Carter Smith, Tulsa; W. A. Thompson, Tahlequah; Willis M. Timmons, Jr., Atlanta, Georgia; Jack Tuggle, Oklahoma City; Christian Adolph Vammen, Oaks; Dr. S. C. Venable, Tulsa; Fred G. Watts, Shawnee; Mrs. Sam Wear, Springfield, Missouri; Malcolm W. Williamson, Maysville; A. T. Winn, Oklahoma City; Moss Patterson, Oklahoma City (Life); J. R. Barbee, Tulsa; Anna L. Bockoven, Oklahoma City; Ray P. Boyce, Oklahoma City; Mrs. Ann Mayer Cooper, Chandler; Mrs. Elizabeth W. Cosgrove, Muskogee; Nathaniel Folsom, Hartshorne; Mrs. Hopewell Fox, Columbia, Missouri; Dr. James V. Frederick, Alva; Hugh M. Hamill, Chilocco; C. W. Johnson, Morris; Dr. G. E. Johnson, Ardmore; Mrs. Ed T. Kennedy, Pawhuska; Dr. C. W. Kerr, Tulsa; Mrs. John C. Newton, Miami; Milton E. Parker, Oklahoma City; O. D. Sartin, Cedarvale, Kansas; Mrs. H. K. Smith, Springfield, Illinois; D. D. Tidwell, De Leon, Texas; James Watzke, Henryetta; Ward H. Bell, Kiowa; George Carleton, Claremore; Henry Chouteau, Ralston; Thaddeus L. Duren, Countyline; Mrs. Mary E. Hadden, Ponca City; W. E. B. Leonard, Oklahoma City; Virginia L. Lindsey, Chouteau; Mrs. Raymond Lucas, Spiro; Mrs. Tony Lyons, Oklahoma City; Lillian B. Mathews, Pawhuska; Mrs. H. B. McKnight, Oklahoma City; Alfred P. Murrah, Oklahoma City; Dr. S. W. Perkins, Rose, T. C. Peters, Wichita, Kansas; Aubrey L. Steele, Pampa, Texas; Joel W. Taylor, Oklahoma City; Florencio P. Valencio, Mexico City; R. C. Walker, Tulsa; Mrs. W. J. Walker, Mazie; Mrs. Leonora Ward,

Erick; Samuel W. West, Blanchard, and Annah L. Wilson, New York City, New York.

On May 2, 3, 1938 the Osage Indians opened their new museum at Pawhuska to the public. Among those participating were Chief Fred Lookout, John Joseph Mathews, and the Curator, Miss Lillian Mathews.

At the dedication of the old Choctaw Capitol at Tuskahoma on June 3, 4, 1938, addresses were given as follows:

Renowned Chiefs in Mississippi:—

Mosholetubbi,	James Culberson,
Col. David Folsom,	Czarina Conlan,
Pushmataha,	W. F. Semple,

Chiefs under Skulleyville Constitution:—

Alfred Wade,	1857-1859,	Ivan Wade
Tandy Walker,	1858-1858,	Edgar A. Moore,
Basil L. LeFlore	1859-1860,	Joel Griggs,

Chiefs under Doaksville Constitution:—

George Hudson,	1860-1862,	Peter J. Hudson,
Samuel Garland,	1862-1864,	William G. Stigler,
Peter P. Pitchlynn,	1864-1866,	Everett V. Jones,
Allen Wright,	1866-1870,	Muriel Wright,
William Bryant	1870-1874,	Josh Anderson,
Coleman Cole,	1874-1878,	Silas E. Cole,
Isaac Garvin,	1878-1880,	Francis Raffee,
Jackson McCurtain	1880-1884,	Sam L. Riddle,
Edmund McCurtain,	1884-1886,	Chas B. Bascomb,
Ben F. Smallwood,	1888-1890,	Martin McKee,
Wilson N. Jones,	1890-1894,	William M. LeFlore,
Jefferson Gardner,	1894-1896,	Oscar Gardner,
Green McCurtain,	1896-1900,	Hampton Tucker,
Gilbert W. Dukes,	1900-1902,	Justine Dukes Calloway.

The Tulsa Association of Pioneers held their annual picnic on June 9, 1938. A memorial service was conducted by Judge Harry

Campbell. Addresses were given by Dr. C. W. Kerr, Mrs. Roberta Campbell Lawson, and Cyrus S. Avery. The officers are as follows: Dr. S. G. Kennedy, Chairman of the Board of Directors; Lee Clinton, President; Vern H. Vandever, Vice-President; N. C. Cross, Secretary; Colonel Lynch, Treasurer; Mrs. Frank G. Seaman, Assistant Secretary, and Floyd Shurtleff, Assistant Treasurer.

The Old Timers Picnic was held at Alluwee on August 28, 1938. This was the eighth annual homecoming sponsored by the Pioneers. Among those on the program were Judge W. H. Kornegay and James W. Moffitt. The officers of this organization are as follows: Chairman, Lee Dishman; Vice-Chairman, D. E. Maples, and Secretary-Treasurer, Emmitt Jarvis.

The American Indian Exposition took place at Andarko, August 24-27. A historical pageant entitled "The Spirit of the Washita" depicted the history of that area. Indian dances also featured this occasion.

The Old Pioneers' Club met at Chickasha on September 12, 1938. Judge Will Linn is President of this organization of Grady County early settlers. He introduced a number who had come back for the program and reunion. Mr. George H. Evans, publisher of the Chickasha *Daily Express* presented among others Mrs. Meta C. Sager, who spoke on "What I Found, When I Came to Grady County Forty-Nine Years Ago." The other officers are Mrs. Burney Roy, Secretary; J. R. Burleson, Vice-President, and Bob Thompson, Vice-President. Under the direction of H. C. Brunt, President, the annual Old Settlers Picnic took place at Chandler on September 15, 1938.

The Secretary attended the observance of the Centennial of Cherokee Removal at Chattanooga, Tennessee, September 20-22, 1938. A tour of sites of interest in Cherokee history was taken, also. At Old Brainerd Mission Cemetery a tablet was unveiled in honor of the Reverend Stephen Foreman. Among his descendants present were Miss Minta Foreman, Mrs. Susan Wear, Mrs. D. J. Faulkner, James Rider, Mrs. R. P. Shelton, and Miss Susan Comer. Also present were Mrs. J. B. Milam, and Miss Mary Milam, whose

progenitor, the Reverend Ard Hoyt labored there as a missionary one hundred years ago. Other guests were J. B. Milam, Miss Bess Howard, Robert Sparks Walker, J. P. Brown, Miss Amanda Finley, Mrs. Penelope Johnson Allen, Dr. Alfred Hurst, Chief Jarrett Blye and Cherokees from the reservation in North Carolina.

The establishment of the Old Chouteau Trading Post at Salina was commemorated in a program given there on October 10, 11, 1938. Among those speaking were Governor Elect Leon C. Phillips, Dr. M. L. Wardell of the University of Oklahoma, Mr. Thomas J. Harrison of Pryor, and the Secretary. Miss Yvonne Chouteau of Oklahoma City presented several French and Indian dances. J. E. Reynolds, Salina; Harve Langley, Pryor, and Joe Lewis of Salina constituted the committee on arrangements. Others who assisted were Mrs. J. S. Knight, County Superintendent of Mayes County, Pryor; James F. Rollins, Locust Grove; Dr. S. W. Perkins, Rose; Jesse Mayes, Pryor; C. H. Boake, Pryor; Cleo Callison, Pryor; V. R. Casey, Salina; C. W. Jetton, Salina; and George Mayes, Oklahoma City. A number of Chouteau descendants attended.

During the third annual American Indian week in Tulsa the Oklahoma Archaeological Society met October 19. How to identify Indian design as to region was explained at the dinner by Frederic H. Douglas, Director of the Denver Art Museum. Clark Field reported that at least 100 men are doing excavation work in the Grand River Dam area in order to preserve relics from prehistoric sites before the floodwaters cover them. The officers for the ensuing year are James H. Gardner, President and H. Grady Snuggs, Secretary. Another event of this week was the Indian banquet on the evening of October 20. Mrs. Roberta Campbell Lawson, Chairman of the program committee introduced John Joseph Mathews to make the principal address. The Indian Cavalcade, a pageant, presented the history of this region. October 19 and 20, the Inter-Tribal Council met with W. F. Semple as Chairman. New officers were elected as follows: President, Ben Dwight, Vice-President, Dennis Bushyhead, and Secretary, Louis Ware. J. B. Milam is the Chairman of the newly organized Cherokee committee. In the Exposition Hall

were displayed exhibits from different Indian Schools including Bacone, Sequoyah, Seneca, Chilocco, Fort Sill, and Haskell.

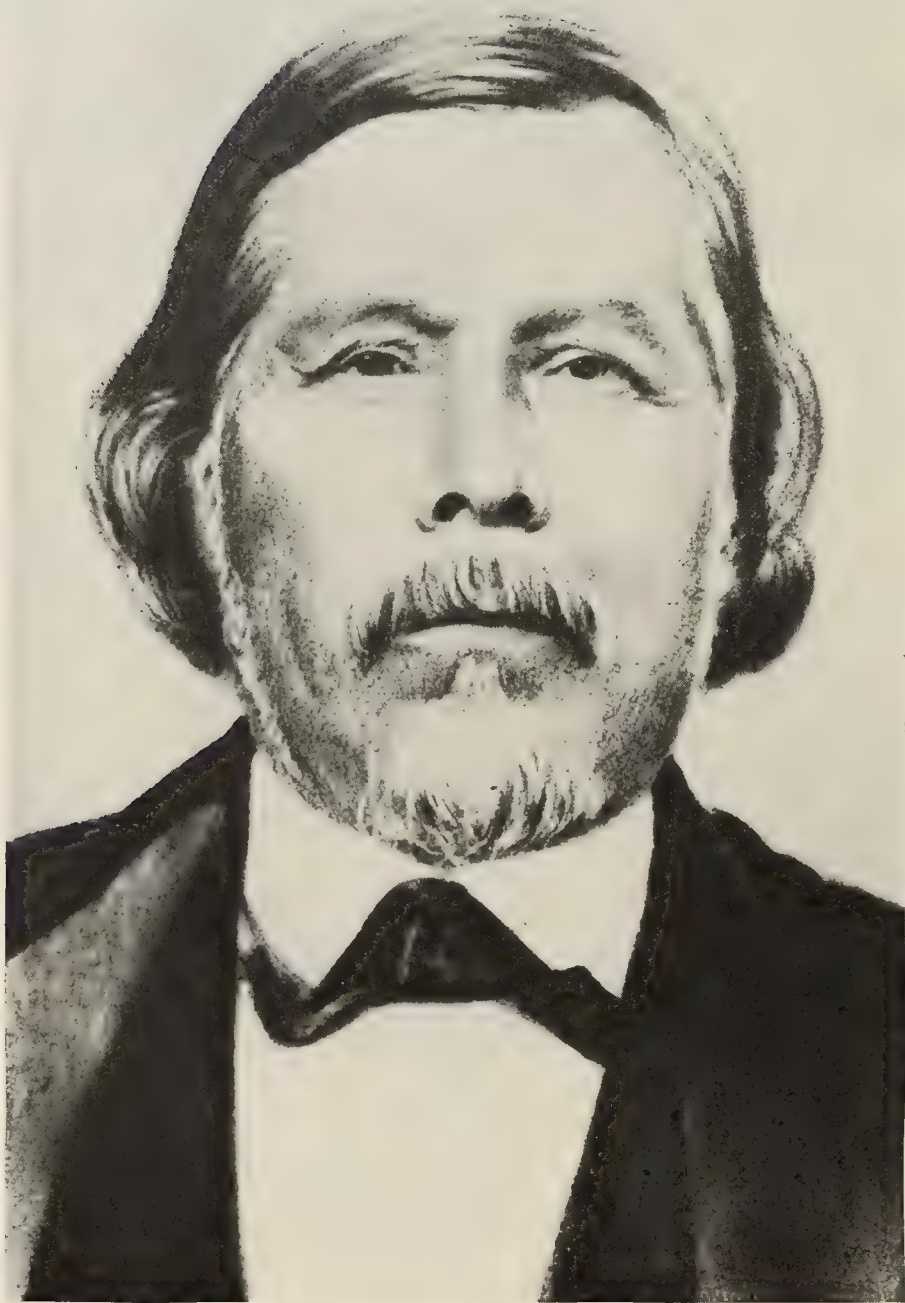
The Secretary represented the Society at the Southern Historical Association in New Orleans, November 3-5, 1938.

The Regent of the Oklahoma City Chapter of the Daughters of the American Revolution, Mrs. Charles Gordon Girvin has presented year books and other historical material to the Oklahoma Historical Society. In the *Year Book for 1938-1939* Mrs. Frank G. Munson of Alva, State Historian, has reported an interest in State and local history as shown in the following activities: Durant has marked the grave of Reverend Dixon Durant; Cushing has set aside a place for trees as a memorial to George Washington; Shawnee has erected a boulder describing the Washington Irving Trail; Pond Creek has placed two granite markers on the Chisholm Trail; Oklahoma City has cooperated with the Eighty-Niners' Association and the Park Board in marking with bronze plaques, the sites of the first camp, the first military post, the first city hall, the first church services, the first school, the first post office and other places of interest. Historical programs have been given by the different chapters on Statehood Day, Constitution Day, Flag Day, Washington's Birthday, Independence Day and Armistice Day. History Scrap Books have been kept by ten chapters. Others have presented exhibits of historical objects. The Black Beaver chapter is gathering the history of early settlers. One member in the Alva chapter has been busy tracing the route of Coronado across Oklahoma. Mrs. Kenneth Kaufman of the Norman chapter has written a paper on John Rollin Ridge and Mrs. Preston C. West has traced the history of the Daughters of the American Revolution in Oklahoma. Mrs. Virgil Browne of Oklahoma City has reported two hundred participants in the American History essay contest and Mrs. Tide Cox of Ardmore forty-eight.

Judge R. A. Hefner has renewed his offer to give \$50.00 another year for the best paper on some phase of Oklahoma Baptist history. The contest is open to all students of Oklahoma colleges and universities whether undergraduate or graduate stu-

ents. The activities, biographies or institutions treated must go back at least fifty years in time. All papers entered should be in the office of Dr. E. C. Routh, editor of the *Baptist Messenger*, at Oklahoma City, by April 30, 1939.

The attention of our readers is called to the "Minutes" on pages 498-501 where other items of interest may be found.



SAMUEL CHECOTE

**CHIEF SAMUEL CHECOTE,
WITH SKETCHES OF CHIEFS LOCHER HARJO
AND WARD COACHMAN.**

By

John Bartlett Meserve.

Roley McIntosh concluded his interesting career of thirty-eight years as chieftain of the Lower Creeks in 1859 and was succeeded by Moty Cannard. The next few years were blurred chapters in the political life of the Creeks. There was little semblance of organized government in the Creek Nation during the perilous years of the Civil War, occasioned largely by the internecine strife among the Indians which that conflict provoked. The Creeks became divided in their allegiance and the breaches so created were to linger through the years. A gesture toward reuniting the Upper and Lower Creek factions was made in 1860 by the adoption of a written constitution but the intervention of the war postponed its accomplishment. Out of the reconstruction efforts of the tribe came the adoption of a formal written constitution at Deep Fork, on October 12, 1867. Samuel Checote was chosen as the first elected chieftain of the Creek Nation and to him was committed the task of composing the discordant elements.

Samuel Checote, born in the Chattahoochee valley in Alabama in 1819, came with his parents to the old Indian Territory in 1829. He was a full blood Creek Indian, of the Lower Creek or McIntosh faction. His parents settled west of Okmulgee but passed away within a few years after their removal. At the age of nine years, he was sent to the Asbury Manual Labor School near Ft. Mitchel, Alabama, and after the removal, he attended Harrell's academy at Muskogee. Early in life, he became a member of the Methodist Church and later entered the ministry of that denomination. He is a concrete evidence of how completely the missionary altered the life of the American Indian. The Lower Creek Council manifested a hostility toward the

missionaries in 1835, by ordering them out of the country. The places of worship were closed save where supplied by native ministers, but within the next few years these self-sacrificing Christian mentors began to return to the Creek country and resume their labors among the Indians. The Council again in 1844 expressed itself by prohibiting the native ministers from preaching the Christian religion, under a penalty of fifty lashes, and, as a consequence, several were whipped under the provisions of this law. Samuel Checote, who had done some preaching at that time, with other tribal members so engaged, fled from the Creek country to escape persecution. The young minister appealed directly in person, to Chief Roley McIntosh for an abatement of the persecution and as a result, through his efforts, all further attempts to interfere with the teaching of the Gospel were abandoned, by orders of the chief. The ministerial activities of Samuel Checote date back to October 28, 1852, and continued intermittently until his death, save as suspended during his service in the Civil War and during his political career. His religious endeavors became the absorbing interest of his life and his high religious character is reflected in his political life. He was chosen as a delegate by the Methodist church to the Ecumenical Conference at London, in 1882, but illness prevented his attendance.¹

Samuel Checote entered the Confederate service as captain of Company B of the First Regiment of Creek Mounted Volunteers, on August 13, 1861, at the Creek agency.² On August 19, 1861, he became Lieut. Colonel of this regiment which was attached to the division commanded by Col. D. N. McIntosh. The army service of Col. Checote was of the highest and most efficient character and quite unlike many other enlisted members of his tribe, he remained faithful to the cause of the Confederacy until the close of the war. The Civil War may be termed an age of heroics in American history and the thoughtful student

¹ F. M. Moore, *A Brief History of the Missionary Work in the Indian Territory of the Indian Mission Conference, Methodist Episcopal Church, South* (Muskogee, 1899), 192-202.

² O. A. Lambert, "Historical Sketch of Col. Samuel Checote, Once Chief of the Creek Nation," *Chronicles of Oklahoma*, IV (1926), 275 *et seq*; Records, Adjutant General's Office, Washington, D. C.

will pause in homage to the stout hearts, both North and South who braved death in the courage of their convictions. Samuel Checote, a Creek Indian of intelligence and fully capable of resolving his alignment during that struggle, evidenced his courage in a most abiding manner.

The long enduring cleavage created by the tribal division into the Upper and Lower Creeks, was augmented by the line up of its members during the Civil War. The Upper Creeks, composed mostly of full bloods were allied with the Union forces, while the Lower Creeks or McIntosh faction went with the South. It was a highly disorganized Creek Nation which confronted Samuel Checote when he assumed the reins of tribal government in 1867. This trouble was provoked largely by members of the hitherto Upper Creek faction who were led by Oktars-sars-har-jo, whose adopted name was Sands. These Indians had served in the Union army and were unwilling that there should be shown to any of their erstwhile foes any preference, even though that preference was overwhelmingly expressed at a tribal popular election. An immediate difficulty grew out of the disbursement of a payment of monies made by the Government to the tribe. Sands and his followers insisted that the fund be divided equally between the Upper and Lower Creeks while the Checote administration made a per capita disbursement of the monies among the entire tribal membership, ignoring the former tribal division. Sands became an unsuccessful candidate against Checote in the fall of 1871 and, stung by his defeat, led a force of some three hundred of his adherents upon the capital at Okmulgee, in October 1871, and dissipated the Council, then in session. Gen. Pleasant Porter was placed in command of the lighthorsemen and with the assistance of Federal agents composed the insurrection without any loss of life. Sands died in the following year and the opposition to Chief Checote collapsed. The Chief was reelected in the fall of 1871.

Chief Checote was defeated in his candidacy for a third consecutive term on September 6, 1875 and Locher Harjo was elected. The language of his concluding message to the Council

in October, 1875, after his defeat, reflects the high Christian statesmanship of the retiring chief, as he concludes,

“Before closing I must speak of the peaceful manner in which our late elections have been conducted—there were no disturbances anywhere in the Nation—the campaign was not characterized by ill feeling nor illegitimate practices, but was dignified and honorable to all parties. And the ready acquiescence of all to the decisions made at the polls, by the people, in a lawful manner speaks in the very highest terms of the natural good qualities of the Creek people and indicates their capacity for perfect self government and is an augury of most favorable import, of the high stand they will take as conservative and law abiding and law loving citizens. . . . thus the onward advancement of our government towards a more perfect system will be the legitimate outgrowth of experience and not the fitful dreams of theorists who experiment upon the passions and feelings of imaginary wants of a simple people.”

His concluding words were those of a statesman. Upon his retirement from office, the chief again resumed his residence at his farm home some six miles north of the old Nuyaka Mission and in what is today, Okmulgee County, Oklahoma.

Locher Harjo, the newly elected chief, was born in the Creek country in the East sometime during the first quarter of the last century and came with his parents to the old Indian Territory with one of the numerous caravans during the removal period. He lived at Newyorker town, southwest of Okmulgee, and served as a delegate from his tribe to the initial peace conference at Ft. Smith on September 15, 1865. He was a Union soldier in the Civil War and was elected chief of the Creek Nation at the fall election of 1875. The new chief was a full blood and spoke only the Creek language. Late in 1876 a delegation of some ninety Sioux Indians came to the Indian Territory to investigate and reach conclusions upon the possible exchange of their lands in the Dacotas for lands in the Territory. The contingent camped near Okmulgee late in November and upon invitation of the chief visited the Creek National Council House where they were welcomed by Chief Harjo.



LOCHER HARJO

“My Brethren;—I am well pleased to see you here in the Muskogee Nation, brethren of the same race as ourselves. I was told a long time ago of my red brethren, the Sioux that were living in the far northwest. I have heard of your great men, great in war and great in council. I have heard of your troubles on account of the intrusion of white men on your reservation in search of gold. I have heard that the United States government had determined to remove you from your lands to the Indian Territory to the west of us. When I heard that you might possibly come to this territory which has been ‘set apart for the home of the Indians forever’ I was glad. I would like to have all our red brethren settled in this Territory as we have provided in our treaty. . . . We believe our right to the soil and our government which is best suited to our peculiar necessities would be safer if all our race were united together here. . . . I give you this welcome to our life of a higher civilization which is better than the old life so long led by our race in the past.”³

The words of welcome were briefly responded to by Chief Spotted Tail of the Sioux;

“My red brethren, we are glad to meet you and listen to your talk. We have come in peace to your country to see it for ourselves as our Great Father has wished. White men gather all things together for themselves. When he gathers, he don’t want any one to take it away. My country is covered with gold. I have made a bargain with the Great Father to sell it, because the white man came and took it. . . . I am looking at this country and when I get through I want to see my Great Father and talk with him and then I can tell you more about it.”

The meeting was rather dramatic as was also a meeting held a few days later at Muskogee.

Shortly after the induction of Chief Harjo into office, he became embroiled in difficulties with the council.⁴ Impeachment proceedings were lodged against him by the House of Warriors wherein he was charged with dictatorial conduct in the removal of certain persons from office by executive order and in refusing to remove from the Nation certain alleged unprincipled white men who were charged with controlling his administration of affairs. He was charged with refusing to enforce certain acts of

³ *Indian Journal*, December 7, 1876.

⁴ *Indian Journal*, December 21, 1876.

the Council which had been passed over his executive veto and in the usurpation of powers not delegated by the Creek constitution. On December 15, 1876, the impeachment charges were approved by the House of Kings and the chief removed from office. The political disabilities which the impeachment carried with it were subsequently removed. Chief Harjo at first evidenced a disposition to go on the war path and again trouble was averted by the prompt, conciliatory action of Gen. Pleasant Porter who influenced the followers of the deposed chief to return to their homes. The Chief passed away at his home at Newyorker town, about seven miles southwest of Okmulgee, where he was buried, on February 23, 1879. He had married, early in life, Sakhatup Hokey, who survived him.

Chief Harjo was succeeded by Ward Coachman, the second chief, who filled out the unexpired term.

Ward Coachman (Co-cha-my) was born at Wetumka, Alabama in 1823.⁵ His ancestry is traced back to Lacklan McGillivray, who was born at Dunmaglass, Scotland, and at the age of sixteen emigrated to America, landing at Charleston, South Carolina. He became an Indian trader and in 1738 married Schoy Marchand, a half blood French and Creek Indian woman. Alexander, his eldest son was born in 1740, became a celebrated chief among the Creeks and died on February 17, 1793. Sophia, a daughter of Lacklan McGillivray was born in 1742 and married Ben Durant, a Frenchman. She was the mother of Polly Durant who married Muslushobie or Pitcher and became the mother of Ward Co-cha-my. The parents of Ward Coochman died when he was quite young and his educational advantages were limited to the neighborhood schools in Macon County. He did not remove to the West during the removal period, but was reared and made his home with his Uncle Lacklan Durant in Macon County, Alabama, until 1845 when he came to the old Indian Territory. In 1848 he returned to Alabama and conducted back with him to the territory, a party of 65 Creeks who had been held in slavery by the whites, arriving

⁵ H. F. and E. S. O'Beirne, *The Indian Territory, Its Chiefs, Legislators and Leading Men* (St. Louis, 1892), 341 *et seq.*



WARD COACHMAN

at Ft. Smith, Arkansas, on June 24, 1848. His early residence among the whites in the East highly qualified him as a most proficient interpreter among his people in the West. He entered the employ of an Indian trader covering the country around Wewoka and Wetumka until 1857, when he engaged in farming. During the Civil War, he entered the Confederate service as a Second Lieutenant of Company E in the Second Creek Indian Regiment under Col. Chilli McIntosh, on November 3, 1862, and served faithfully until the conclusion of the war.

Ward Coachman served as clerk of the district court of Deep Fork District in 1868 and as a member and speaker of the House of Warriors in 1875. He was court clerk of the Wewoka District in 1873-4, served as a member and President of the House of Kings in 1888 and was dispatched as a delegate from the Creek Nation to Washington upon five different occasions in 1881-2.

In the fall of 1875, Ward Coachman was chosen second chief and became Principal Chief of the Creek Nation upon the impeachment and removal of Chief Locher Harjo on December 15, 1876. His tenure as chief was rather uneventful and he was defeated in his efforts for reelection on September 1, 1879, and Samuel Checote again was chosen.

The name of Ward Coachman is carried on the approved rolls of the Creek tribe opposite roll number 5109 as shown by census card number 1587 and to him was allotted his distributive share of the public domain. The chief passed away at his home some four miles northeast of Wetumka on March 13, 1900, where he was buried in an unmarked grave. He married Lizzie Carr in 1851 and after her death, married Lizzie Yohler in 1864. The chief was a man of intelligence far above the average of his people and enjoyed the respect and esteem of the members of the Creek tribe.

The interesting Samuel Checote again resumed the executive office of the Creek Nation after the election of September 1, 1879. This was his third term, the completion of which covered a period of twelve years. His preference for the third term was

rather feebly expressed as his election was evidenced by a bare majority of 15 votes. Charges of fraud were made by the Coachman adherents but no trouble ensued. The third tenure of Samuel Checote featured much advancement among the Creeks. The establishment of an Indian University at Muskogee by the Baptist Mission led by Rev. A. C. Bacone was approved and financial assistance provided. Matters of general education received the marked attention of the chief. The grant of lands to the Seminoles was effected for which the sum of \$150,000 was received.

Internal strife threatened the peace of the Creeks in December, 1881, when recalcitrant members of the tribe led by Isparhecher, a full blood agitator, undertook to establish an independent government with its capital established at Nuyaka, some twelve miles west of Okmulgee. Chief Checote exhausted all peaceful and persuasive measures to calm the disturbance, but with no avail. Bloody reprisals ensued in a struggle known as the Green Peach War. The armed forces of the Checote government were finally called into service under command of Gen. Pleasant Porter and after several months of open defiance, the insurrection was quelled. Peaceful relations were restored through the efforts of United States Commissioners at Muskogee in August, 1883.⁶ The address of Chief Checote at Muskogee, on August 10, 1883, approving the settlement, was of statesmanlike character.

At the tribal election of September 3, 1883, Chief Checote again sought preference, but was defeated and Joseph M. Perryman was elected. He was dispatched as a delegate from the tribe to Washington the following year and this service concluded his political career. The years had been strenuous. His guiding hand had directed the political life of the Creek Nation from the concluding years of the Civil War. He passed away at his home at Okmulgee, on September 3, 1884, where he lies buried and where his grave is marked.

⁶ For detailed account of Green Peach War, see "Chief Isparhecher," *Chronicles of Oklahoma*, X (1932), 52 *et seq.*

The chief was married twice, his first wife being Priscilla, after whose death he married Lizzie; the last names of these women are not known.

Samuel Checote was the outstanding character among the Creek Indians during the early post bellum years. His years of understanding threaded back to the early day of their residence in the West. When the Indian left the East, he was an unfinished sketch. In his initial days after removal as well as in later years, the Indian naturally had his class differences, provoked largely by his contact and intermarriage with the whites. These distinctions caused divergent concepts of his ultimate destiny and were provocative of internal dissension. These class distinctions must be considered in any appraisal of his social or political life because the Indian cannot be labeled and disposed of in one gesture. Among the Creeks, this natural situation was intensely aggravated by the tribal division having its inception in the East and long before the removal period. The Civil War was a zero point in the morale of the Creeks. The task of uniting the sentiments and aspirations of the Creeks was placed upon the shoulders of Samuel Checote. He understood these people as did no other Creek leader of his times and to him great credit is due for placating many of the major tribal animosities of that period. His stern, spiritual life contributed to his influence among his people. Chief Samuel Checote gave to the Creeks a splendid service and died in poverty.⁷

⁷ Mr. John Bartlett Meserve is making a study of the chiefs of the Five Civilized Tribes. He is an attorney living at Tulsa, Oklahoma. He has been a contributor to *The Chronicles of Oklahoma* for a number of years.

HISTORIC SITES AROUND ANADARKO

By C. Ross Hume

Anadarko looks back almost four score years to the location of the original Wichita Indian Agency, in 1859.¹ The first white men of English speech who traversed the region embraced in the present Caddo County area were the officers and men of the Dragoon expedition commanded by Capt. Nathan Boone, which, returning from Central Kansas, on a route which entered the extreme northwestern part of the country, followed the valley of Deer Creek eastward toward its confluence with the Canadian, in 1842. In 1849, Capt. Randolph B. Marcy of the United States Army,² with a detachment of troops, escorted a large party of California Argonauts westward over a route some miles farther south, toward the Rio Grande Valley of New Mexico, thus marking out across the northern part of Caddo County, the course of the California Road which was so largely traveled during the ensuing decade. In 1854, the Government caused a survey for the construction of a Pacific Railway to be made westward across Caddo County, under the direction of Lieutenants A. W. Whipple and J. C. Ives of the Army Engineer Corps. The

¹ This article is based largely upon information extracted through correspondence and personal interviews with the late Capt. Robert S. Ross, of Waco, Texas, son of Agent Shapley P. Ross, and with Mrs. Jeanne V. Harrison, daughter of Agent Matthew Leeper; personal interviews with the late Charles F. Christy, of Denver; the late Charles A. Cleveland, of Anadarko; the late Neal Evans, of El Reno; the late John Murphy, of El Reno; the late Capt. Richard T. Jacob, of Oklahoma City; Rev. J. J. Methvin, of Anadarko; the late Gen. Hugh L. Scott, of the U. S. Army; the late James Mooney, ethnologist of the National Museum; and the following sources: *Publications of the War Department* (Washington); *War of the Rebellion; Records of the Union and Confederate Armies* (Washington: Government Printing Office, 1860-1901); Thomas C. Battey, *A Quaker among the Indians* (Boston: Lee and Shepard, Publishers, 1875); Isabel Crawford, *Kiowa: The History of a Blanket Indian Mission* (New York: Fleming H. Revell Company, 1915); *Publications of the Bureau of American Ethnology* (Washington); *Publications of the Kansas Historical Society* (Topeka); De B. Randolph Keim, *Sheridan's Troopers on the Border* (Philadelphia: David McKay, 1885); George Armstrong Custer, *My Life on the Plains* (New York: Sheldon and Company, 1876); and *The Chronicles of Oklahoma* (Oklahoma City). The author is also indebted to Dr. J. B. Thoburn for data furnished.

² Grant Foreman, ed., *Adventure on Red River: Report on the Exploration of the Headwaters of the Red River* by Captain Randolph B. Marcy and Captain G. B. McClellan (Norman: University of Oklahoma Press, 1937), p. vi.

course of this survey approximated very closely that of the California Road. At that time, the whole of Caddo County was included within the scope of the wilderness range of the Comanche and Kiowa Indians, subject also to the temporary occupancy of the people of the Wichita Indian tribe. For many years prior to this time, a number of small and, in some instances, somewhat fragmentary bands and tribes of Indians had lived along the western frontier, between the boundary of southern Kansas and Central Texas. These included the Absentee Shawnees, the Southwestern Delawares, the Wichitas, the Wacos, the Towakonies, the Anadarkos, the Kichais, the Tonkawas, a band of Kickapoos, the White Bead, or Northern, Caddos, and possibly several smaller groups. Nearly all of them were or had been more or less nomadic and unsettled as to fixed places of residence, industry, sources of livelihood, engaged in hunting, fishing, and trapping in a small way and the object of suspicion on the part of the Indians of settled tribes, pioneer settlers, and of Indians of wild or roving tribes alike.

It was partly to adjust and dissipate such misunderstandings that the Federal Government had negotiated with the State of Texas for the establishment of two small Indian reservations, on the Brazos River, in the state of Texas, in 1855. Most of the Indians of the tribes and bands already enumerated were settled upon these two reservations; the Wichitas and White Bead Caddos, of the Indian Territory, however, were not thus relocated. It became evident that it would be the part of wisdom to abandon the reservations on the Brazos River and relocate them elsewhere, where they would be free from molestation by outside influences. To this end, Major Elias C. Rector, of Fort Smith, Arkansas, who was superintendent of Indian Affairs, for the Five Civilized Tribes, was directed to visit the region adjacent to the 98th Meridian which was traversed by the Washita River and inspect the same with a view to its availability for selection for assignment of one or more reservations for the relocation of these tribes that had been temporarily located in Texas, after which he was asked to arrange to meet with Major Robert S. Neighbors, Supervising

Agent of the two small Brazos Reservations, at Fort Arbuckle. In the course of this conference between the two Indian Service officials, it was agreed that if possible, all of the tribes and bands should be brought to the Indian Territory and settled in or near the Washita Valley in what is now Caddo County. Their joint report making this recommendation was approved by the Commissioner of Indian Affairs and by the Secretary of the Interior and preparation for the removal of the Indians was immediately inaugurated.

The final removal of the Indians from the two Texas reservations started on August 1, 1859, those of each reservation moving out separately and the two joining at the crossing of Red River, six days later. There were 1430 Indians in all, with military escort of two troops of Cavalry and two companies of Infantry, under the command of Major George H. Thomas, who later became "The Rock of Chickamagua." The expedition arrived on the Washita on August 16th, near the site of the present town of Verden. Encamping there for the night, the next morning camp was moved four miles up the valley, to remain there until the arrival of Superintendent Rector. There had been one birth and one death among the Indians during the course of the 170-mile march from the Brazos. Agent S. A. Blain, of the Wichita Agency, selected a site for the erection of a temporary agency, near the site where the troops and the Indians were encamped. The arrival of Superintendent Rector having been prevented by the hostile demonstrations of a Comanche war-party, Major Neighbors turned the Indians of the Agency over to Agent Blain, who also receipted for all public property held by the Agency. Because of the resignation of Agent Ross the Wichita and Lower Brazos Agencies were consolidated under the administrative supervision and control of Agent Blain. The escort under the command of Major Thomas, being under orders to return immediately to Texas, the reservation Indians and their agency were left exposed to the predatory activities of the wild Comanche and Kiowa warriors.

The site for the erection of a military post for the protection of the new Indian reservations along the Washita, west of the 98th Meridian, was selected by Lt. Col. William H. Emory of the 1st U. S. Cavalry, shortly after the settlement of the Indians in their new locations. Colonel Emory, who was in command of all of the Federal forces stationed in garrison in Forts Smith, Washita, Arbuckle, and Cobb, at the outbreak of the Civil War, was the only officer of his rank and responsibility who succeeded in taking his entire command back into the Federal lines, without the loss of a single man. He subsequently reached the rank of Major General and was accounted a successful brigade, division, and corps commander, during the war between the states. The buildings and defensive works of Fort Cobb were constructed under the supervision of Capt. W. S. Cabell, A. Q. M., U. S. A., who reached the rank of brigadier general in the Confederate military service in Texas, Arkansas, and the Indian Territory during the War between the States. Fort Cobb was abandoned by its Federal garrison, Mar. 5, 1861. Although there was no official announcement in the naming of Fort Cobb, it is generally believed to have been named for Howell Cobb, who had represented a Georgia district in Congress, had served as governor of that state and had subsequently won promotion to the rank of major general in the Confederate Army.

The permanent site of the first agency, selected near the bank of Leeper Creek, was not far from its confluence with the Washita River, where it continued to be maintained under Confederate auspices for a year and a half after its abandonment by the Federal Indian Service. Matthew Leeper had been appointed to fill a vacancy as agent of the Upper Brazos Reserve, a few months before the removal to the Washita, and was retained in the service at the time of the removal and was continued in charge after the Confederate authorities took over the Agency. After the withdrawal of the Federal garrison from Fort Cobb, most of the Indians at the Wichita Agency, frightened and confused by the outbreak of the war, and very suspicious of the significance of the Confederate movement, possibly because of their own exile from

Texas less than two years before, abandoned their homes, and their little fields, and fled in the wake of the retreating Federal troops, most of them seeking refuge in Kansas, until after the War had ended. The Tonkawas and the Peneteka, or Honey-Eater Comanche band, together with the White Bead Caddos, remained on the Washita throughout that period, however. The Wichita, Waco, Towakony, and Kichai tribes located at the confluence of the Little Arkansas and Arkansas Rivers, where the city of Wichita, Kansas, was later founded. The Southern or Texas Caddos found a location on the Arkansas River, in western Kansas, later making their way down to the Wichita settlement. The Absentee Shawnees located for the time being in the valley of Walnut River, in Butler County, Kansas. The Southwestern Delawares were slow to leave and most of them went north with the pro-Federal Creek and Seminole refugees into Eastern Kansas, late in the autumn of 1861. Nearly all of the Delaware men saw service as volunteer soldiers in the Union Army, as did many of the Shawnees and Wichitas, also. Black Beaver, the most noted leader of this band of Delawares, acted as guide for Colonel Emory and his retreating column of troops.

General Albert Pike, Confederate commissioner to the Indian tribes of the entire Southwest conducted negotiations with all of the tribes and bands in southwestern Indian Territory, so far as they could be reached, in endeavors to win them to alliances with the seceding states, and much time was spent at or near the trading posts located in the vicinities of Fort Cobb and the Wichita Agency. Early during the War, a Confederate cantonment designated as Camp McIntosh,³ was established near the river between Anadarko and Verden. A military order dated April 23, 1862, contained the following:

“Lieutenant Colonel Harris, commanding the Chickasaw Battalion, will station four companies at Camp McIntosh and do everything possible to protect the Agency and the peaceful Indians.”

³ *Report of the Commissioner of Indian Affairs, 1859* (Washington, 1860), p. 329; Annie Heloise Abel, *American Indian as Participant in the Civil War* (Cleveland: Arthur H. Clark Company, 1919), p. 153.

An order issued by Assistant Adjutant General on the staff of Gen. Albert Pike, June 8, 1862, included the following:

“The Choctaw Battalion is to take position at Camp McIntosh 17 miles this side of Fort Cobb, where Hart’s Spies, 40 in number, will send out parties to the Wichita Mountains and prevent depredations on the frontiers of Texas.”

The Tonkawa Massacre, October 23, 1862, was one of the bloodiest incidents ever witnessed on the Western frontier. The identity of the perpetrators was never definitely determined, but it is evident that members of several tribes were actively concerned in the affair. They were believed to have belonged to tribes that were known to have been attached to the Federal cause, and several lives were reported to have been lost in the destruction of the Wichita Agency. Agent Leeper was reported to have been killed but the Penetaka Comanche chief, Tosheway, found him a day or two later, in a destitute and almost exhausted condition. He lived many years afterward, but the agency, thus destroyed, was not re-established by the Confederate Government. Horace P. Jones, the noted scout and interpreter, also narrowly escaped with his life, when the agency was burned in the night. With the destruction of the agency and the massacre of most of the Tonkawa people, those of the tractable Peneteka Comanches drifted out on the open range with the roving bands of the wild Comanches.

When the agency buildings were burned, the Tonkawa Indians fled down the Washita valley, crossing to the south side of the River, west of the site of Anadarko, with the raiding force in pursuit. The Tonkawas were driven southward up the first ravine and most of the killing was done about two miles southwest of Anadarko. The survivors fled to Fort Arbuckle for refuge.

Early in 1865, with those Indians of the Cherokee, Creek, and Seminole Nations that had been in alliance with the Confederate States greatly discouraged by the outlook, it was proposed to hold an inter-tribal council and arrange for peace between all of the Indian tribes. It was first proposed to hold this inter-tribal gathering at Council Grove, a few miles west of the site of Okla-

homa City in April, but, for some reason, it was postponed and, eventually held a month later, at Camp Napoleon, located at Cottonwood Grove, adjoining the site of Verden. It was here that the Camp Napoleon Compact was formulated and solemnly signed.⁴

Prior to this, in the autumn of 1863, three Indians from the Washita settlement—doubtless, Peneteka Comanches or White Bead Caddos, appeared at the temporary trading ranch of Jesse Chisholm, on the site of Wichita, Kansas, with their horses heavily laden with buffalo robes and other primitive products to barter for needed goods and supplies, stating that there were no longer any traders among their people on the Washita, as traders were unable to purchase the needed wares and supplies for the Indian trade in Southern markets. One of these Indians wanted more goods than his own stock in trade would pay for, and James R. Mead, another trader, let him have what he wanted, when he offered to bring additional Indian products to pay the balance due, a year later. The following autumn, the visiting Indian group was twice as large as the first. Two of the original three, were there to trade again but the one who had owed an unpaid balance to the trader, was not numbered among them this time, for the reason that he had died several months previously. Before his death, however, he had exacted a promise from his former fellow travelers that they would take to the white trader in Kansas the products furnished by his family, sufficient to discharge the obligation thus contracted.

Early the following spring (March, 1865), Jesse Chisholm, James R. Mead, and William Mathewson, three of the traders from the Wichita Indian Village at the mouth of the Little Arkansas River, loaded their wagons with wares and goods for the Indian trade, followed the dim traces of the trail made by the column and wagon train of the retreating Federal troops, nearly four years before, veering southwestward from the crossing of

⁴ Anna Lewis, "Camp Napoleon," *Chronicles of Oklahoma* (Oklahoma City), IX (1931), 359-364; Annie Heloise Abel, *American Indian Under Reconstruction* (Cleveland: Arthur H. Clark Company, 1925), pp. 138-140.

the North Canadian River, and making their way to the Indian camps in the vicinity of Fort Cobb and the site of the former Wichita Agency which had been destroyed, nearly two and a half years earlier. The end of the Civil War, then approaching, found conditions among the Indians of the Washita River country, in a very chaotic condition; with their life reduced to practically primitive terms. Many months were destined to elapse before the abandoned military posts could be reoccupied or the ruined Indian agencies could be rehabilitated and restored. Naturally, the Government's first major restorative task, was the re-establishment of safety and security to communications, traffic, and travel on the overland transcontinental¹ routes across Kansas and Nebraska to the northward. The only transcontinental route across the Indian Territory was the California Road. The military effort at the pacification of the Central Plains Indians in the western portions of Kansas and Nebraska had the effect of tending to drive the wild tribes of those areas south of the Arkansas River, while, simultaneously, the reoccupation of military posts in Central and western Texas was tending, likewise, to drive the wild tribes of the Southern Plains north of Red River; consequently, it was not until more than two years after the end of the War between the States, that Western Oklahoma received much if any attention at the hands of the Federal Government.

For the first time in their history the Arapho Indians had come south of the Canadian River to pitch their winter camps in the valley of the Washita. So, too, practically all of the Comanches and Kiowas were encamped North of Red River. Oddly enough, this seemed to fit in with the governmental policy which looked forward to the consolidation of the untamed Indians of the Central and Southern Plains in the western part of the Indian Territory. About the same time General William B. Hazen, a distinguished military commander, was appointed as special U. S. Indian Agent, superseding the civilian agents of all of these tribes, with headquarters at Fort Cobb. Several leading Indian chieftains called to see General Hazen within a few days after his arrival at his new station. Black Kettle, the noted head chief

of the Cheyennes, visited Fort Cobb to talk matters over with the new special agent, just two days before the massacre of many of his own people, and his own death, Nov. 27, 1868. A large store of rations and other supplies was accumulated at Fort Cobb. The Washita Expedition, under the command of Generals Sheridan and Custer, arrived there from Camp Supply, in December and remained in camp there for some days while the matter of selecting a site for a new military post was under consideration. When the site of the post, afterward named Fort Sill,⁵ was definitely determined, the command marched over to Medicine Bluff Creek, where it went into winter quarters. A few days later, a detachment was sent back to reoccupy Fort Cobb, which was not finally abandoned until the spring of 1869.

Under the terms of a treaty negotiated and signed at the Medicine Lodge Peace Council, in October, 1867, the Comanche, Kiowa, and Plains Apache Indian tribes were jointly assigned a reservation extending from the 98th Meridian westward to the North Fork of Red River and from the Washita River, southward to Red River, and the agency for the tribes on this reservation, was established just south of Fort Sill. As Special Indian Agent, General Hazen remained on duty with this extra-professional assignment for the greater part of a year, being succeeded by several of President Grant's Quaker Indian agent appointees. He was aided and supported by a staff of assistants and employes. One of these who was deserving of mention was Col. Albert Gallatin Boone, grandson of Daniel Boone, the noted Kentucky-Missouri pioneer, long an Indian trader, who was serving as Indian Agent at the Fort Wise, Colorado, Agency. Another efficient helper was young Henry E. Alvord, who had risen to the rank of major of volunteers in a Massachusetts regiment in the Federal Army, later accepting a commission as a captain in the Regular Army, in which he saw service with the earliest garrison at Fort Sill. Along in the early '70s, he came back to the same region again, as a special commissioner to treat with semi-hostile Indians. Then,

⁵ See W. S. Nye, *Carbine and Lance: The Story of Old Fort Sill* (Norman: University of Oklahoma Press, 1937).

nearly a quarter of a century after that, he was called back to Oklahoma again as an early president of the Agricultural and Mechanical College.

Lawrie Tatum was the first Quaker Indian agent at the Fort Sill Agency.⁶ Unlike the Comanche and Kiowa tribes, the Wichita and affiliated tribes did not have a reservation conferred upon them, but were provided with an agency, which was located on the lower slope of the hill across the River north from the site of Anadarko. This agency was established in 1871 and Jonathan Richards, another Quaker, was appointed as its first Agent. There were two trading establishments, the proprietors being Shirley and Spooner. William Shirley applied for the establishment of a postoffice but submitted no name by which it should be designated. The Postmaster General's office proposed to call it Shirley, in honor of the petitioning citizen but he modestly declined the honor, suggesting, rather, that it be named Anadarko, in honor of the Ahnadahko Indian tribe, of which his wife was one of the few surviving members. Jonathan Richards, tribal agent, was appointed postmaster. The agency warehouses, traders' establishments, dwelling houses, blacksmith shop, and stables, made a noticeable settlement in the wilderness. The original name of Wichita Agency was restored. That same year the Wichita School was erected and opened to the attendance of pupils.⁷ It has been in operation throughout the intervening years. It is called the Riverside school.

George Washington, chief of the White Bead Caddo Indians, was one of the notable figures in the Washita River country, long before the establishment of the first Agency. He was accounted a successful farmer and stockman, and was noted for his keen shrewdness in business, foresight and management. He was noted for his well-developed sense of humor, and many amusing anecdotes are still related concerning his quaint sayings and com-

⁶ The story of his life and experiences there is told in his book, *Our Red Brothers* (Philadelphia: John C. Winston Company, 1899).

⁷ *Report of the Commissioner of Indian Affairs, 1872* (Washington, 1872), p. 253; Thomas C. Battey, *A Quaker among the Indians* (Boston: Lee and Shepard, Publishers, 1875).

ments. During the last year of the Civil War, in 1864-5 his people formed the basis and nucleus of a unique Confederate military organization which was called the Caddo Frontier Guard, a two-company squadron of mounted troops of which Chief Washington was major and commandment. The two captains were Jose Maria, second chief of the White Bead Caddo band, and Phil McCusker, a white man who had served in the United States Army before the Civil War and who was subsequently a civilian scout attached to the regular military service. Most of the rank and file consisted of Caddos and Indians of pure or mixed blood belonging to other southwestern tribes.

A most unusual experiment in the effort to help get the Indian people to learn to travel "The White Man's Road" was the undertaking of Thomas C. Battey, a Quaker school teacher, who lived in the camp of a band of Kiowa people of which Kicking Bird, was the chief. As an educational expedient it was not a pronounced success but the influence which the kind-hearted, gentle-spirited follower of William Penn exerted upon the people of that band of Indians through the medium of the progressive and well-meaning Kicking Bird was such that it helped to hold a majority of the Kiowa people in peace on their reservation throughout the last outbreak of Indian war in the western Indian Territory, in 1874-5. The last Indian war on the Southern Plains was due more to the ruthless slaughter of buffalo by professional hide hunters than to any other cause. It was sternly suppressed and punished by the Government, and though there was still much dissatisfaction and unrest among many of the Indians, they gradually found their way into the paths of peace. During the course of that last outbreak a large war party of hostile braves made an attack on the Agency settlement at Anadarko, on August 28, 1874. Six civilian citizens were killed and four white soldiers were wounded. The attacking party also raided the homes of friendly and peaceable Wichita and Caddo Indians, north of the Washita River, destroying buildings and running off stock. The Comanche and Kiowa Agency was removed from Fort Sill on Sept. 1, 1878, and was consolidated with the Wichita Agency

at Anadarko, the whole establishment being relocated, south of the river, at that time. The Wichita-Caddo school, known as the Riverside School, which had been destroyed by fire a few months previously, was rebuilt on a new site half of a mile west of the original site.

After the change of the combined agencies to the new site, south of the river, the buildings as rearranged and reconstructed, consisted of the agent's office, two commissaries, physician's office, saw-mill, shops, with dwelling houses for the employes half a mile distant. Eventually there were added to these, four traders' stores, two churches, and the Masonic Lodge. The Agency remained in the building thus removed, repaired and restored, for seventeen years. Then, about 1895, Major Frank D. Baldwin, of the Army, who had been assigned to duty as agent, arranged for the erection of a new building for the housing of the agency offices. It was the large frame building that faced east, between the Traders' Row and the agency residences. Ten years later, that building was superseded by the erection of the large brick office building which was located on the south side of the park, and where the agency and its offices were located for the ensuing twenty years. After the completion of the Federal Building and the installation of the postoffice with its beautiful and appropriate Indian mural paintings, the agency and its offices were moved to the business district of the city and permanently located in the second and third stories of that substantial structure.

When Colonel Henry Dodge and his Dragoon expedition visited the Wichita Mountains and the Wichita Indians, in 1834, a young Delaware Indian scout, named Black Beaver,⁷ was with the expedition as a guide, scout, and interpreter. He was a sober, thoughtful man of wide experience, even then, having spent several years in the Rocky Mountain fur trade. More than a dozen years later, he commanded a company of Indian scouts with the American Army, in the War with Mexico. In the Indian

⁷ Frederick W. Hodge, ed., *Handbook of American Indians* (Washington, 1912), I, 149; Annie Heloise Abel, *American Indian as Slaveholder and Secessionist* (Cleveland: Arthur H. Clark Company, 1915), p. 101.

Territory he was generally recognized as a fellow trader, friend, and compatriot of Jesse Chisholm. He was with Captain Randolph B. Marcy as chief scout, while that officer was post commander at Fort Arbuckle. In 1859 he served as a guide, scout, and interpreter with the exploratory survey of the Washita Country by Superintendent Elias Rector, of the Indian service. His service as guide for the retreating Federal garrison, under the command of Colonel Emory has already been mentioned. He settled at Fort Cobb when that post and the neighboring Wichita Agency were established. Already well advanced in years, he remained in Kansas with the refugees from the Washita country during most of the Civil War period. After the end of the War, he returned to the Washita and rebuilt his home, south of the river and not far from the site of the present city of Anadarko, where he died in May, 1880. His was a noble and notable type of manhood, whose memory should ever be cherished. His grave, modestly marked, is near the site of his home.

The Anadarko Masonic Lodge No. 21, was chartered in July, 1884, and its organization antedates that of any similar institution in the western half of Oklahoma. The two-story frame building which was erected in its earliest years stood for many years in the old agency group. Two years ago, the Dixon Memorial Hall was built and dedicated, and in addition to the quarters of the Lodge and its affiliated organizations, this building also houses the Anadarko Public Library.

The old Kiowa school, which was built in 1878, after the consolidation of the two agencies and the consequent abandonment of the original Comanche school was located south of the River about one mile northwest of the city limits, until abandoned about 1893.

The Baptists were the first religious denomination to send missionaries to the Indians in the vicinity of Anadarko. The old church and a community house, located about four miles north of the city mark the site of the beginning of their work in this field, among the Wichita and affiliated tribes. Subsequently, Baptist

workers went among the Kiowa people, south of the River, and erected a church at Red Stone, two miles north of the Y on Highways 62 and 9.

In 1886, the Methodist Episcopal Church, South, sent Rev. J. J. Methvin, who opened a school on lands that are now a part of the site of the city of Anadarko. Mr. Methvin is still a resident of Anadarko.

The Presbyterian Church, U. S. A., sent Rev. S. V. Fait, who established the Mary Gregory Memorial School, near the site of Camp McIntosh and a church at the Agency. The congregation of this church is the oldest religious organization now existing in Anadarko, and will have a semicentennial in 1939.

In 1891, the Roman Catholic Church sent Rev. Father Isadore Ricklin to Anadarko, where he founded a church and school, both of which are still in operation. The Catholic Mission Chapel has a notable collection of mural paintings.

Such was the historical back-ground when the Indians received individual allotments of land and the surplus lands were thrown open to white settlers. The county-seat town was platted on a half-section which had been reserved for that purpose, adjoining the agency reservation and to the town was given the same name that the agency settlement and postoffice had borne. The county was named Caddo in honor of the Caddo Indian tribe, all of the members of which are included in its citizenship. The history of the sale of the sub-divisions of the townsite, the story of the organizations of town and county and the development of its present civilization, cultural and institutional life, is largely in common with the rest of Oklahoma. From the foregoing outline it may be noted that Anadarko and its environs are rich in the elements of pioneer history, to which may be added a wealth of legendary and traditional lore such as is seldom equalled and possibly unsurpassed by that of any area of like extent in the United States. Most of its historic spots and those of sentimental interest have been located and identified; though, as yet, few have been appropriately marked. One notable exception is that of the

Camp Napoleon site at Verden, which was thus made known to an interested world by the History Department of the Oklahoma College for Women, several years ago.

Interested visitors at Anadarko may always find a cordial greeting and guide service at the hands of the local Chamber of Commerce. The present Indian Agency which has supervision over the business, industry, education, and general welfare of more than 6700 Indian people, a Government Boarding School in continuous session, a mission school, the development and perpetuation of Indian arts and crafts under competent direction, an annual Indian Exhibition and other facilities ever welcome visitors.⁹

⁹ Mr. C. Ross Hume is an attorney living at Anadarko, Oklahoma.

THE CHOCTAW-CHICKASAW COURT CITIZENS

By

Loren N. Brown

As a part of the program of terminating the separate tribal existence of the Five Civilized tribes of Indians in Indian Territory, there was established, in 1893, a commission to treat with them with the view of inducing the Indians to take their land in severalty and give up their separate tribal existence. Preliminary negotiations were fruitless and Congress felt called upon to pass legislation giving the Commission, known as the Dawes Commission, additional powers. Among such acts was one passed on June 10, 1896 which gave the Commission extensive powers in the preparation of tribal rolls. It provided that the Commissioners were to accept any existing citizenship rolls, prepared by the nations and were authorized to receive applications from any claiming rights of citizenship, therein, whose names did not appear on such rolls, for a period of ninety days. Decisions were to be reached, by the Commission, on all such applications within another ninety-day period. Following such decisions, the applicants, or the nations involved, were to be permitted an appeal to the federal courts in the Territory, the decisions of the latter to be final, when rendered.¹

Following the passage of the act, the Dawes Commission, which had been in Washington, District of Columbia, returned to the Territory, and started work on citizenship matters. Headquarters were established at Vinita, and applications soon began to come in, from those who claimed a right to be put on the rolls. According to the provisions of the law, only a limited time could be used in hearing such applications, then a date for decisions was determined, making it necessary that the process be

¹ *United States Statutes at Large*, XXIX, 321 (Hereafter cited, 29 *Stat.*); C. J. Kappler, *Indian Affairs, Laws and Treaties*, I, 334 (Hereafter cited, I Kappler); T. Bixby, comp., *Laws, Decisions, and Regulations Affecting the Work of the Commissioner to the Five Civilized Tribes*, 12 (Hereafter cited, Bixby).

speeded from the first. Confronted with this necessity, the Commission was not long in organizing its work.

On July 8th, the rules of procedure to be followed by those wishing to apply for enrollment as citizens of the several tribes were announced. All applications must be in writing, signed and sworn to, and filed by September 10, 1896, ninety days after the passage of the act. Accompanying each one, must be evidence in the form of affidavits, depositions, or documents to establish the validity of the claim; and the Commission announced that it would reserve the right to require oral evidence in its presence, in those cases where it should be deemed necessary. The Commission promised, further, that it would make every effort to have all cases passed upon, and decisions ready, by December 10, 1896, the date set by the citizenship law for the completion of its task.

Fearful lest they be left off the rolls, the intermarried and adopted white citizens of the nations, particularly the Choctaws, worked independently to prepare rolls of that group. The Choctaw Intermarried and Adopted White Citizens Association's board of Directors met at South McAlester on August 6th, and decided to prepare such a list to present to the Dawes Commission. They invited all such citizens to join their association by paying five dollars and providing adequate proof of their claims. White intermarried women were also eligible. Every precaution was to be taken, to see that no one of doubtful citizenship should be enrolled. An office was opened at South McAlester for the reception of applications and attorneys were retained to prepare the rolls.²

There was a lack of cooperation, however, on the part of the tribes, in submitting their rolls to the Commission for its action. This seemed to be partially due to the fact that the nations resented the interference of the federal government in a prerogative that they had considered theirs alone, and partially to the absence of adequate lists in the most of the nations. One glaring example of this latter, was the complete absence of any roll of the Chick-

² [Atoka, I. T.] *Indian Citizen*, Aug. 13, 1896.

asaw freedmen, none having ever been prepared, since they had never been given any political status by that nation. On August 8th, requests were dispatched to both Chief Jefferson Gardner, of the Choctaws, and Governor Palmer Mosely of the Chickasaws, asking that the rolls be turned over, but both letters were ignored. Upon failing to hear from the executives, copies of the letters were forwarded to their successors in office. The one to Green McCurtain, new Choctaw chief, was mailed on October 10th, and the one to R. M. Harris, Governor of the Chickasaws, on the 14th. On October 15th, the former wrote that he had turned the request over to the National Agent, with an order that the desired information be furnished, immediately.³

Both nations had, in the meantime, passed acts creating census commissions, the bill for the Choctaw Nation being passed on September 18, 1896. It provided a commission of three, to work in the Choctaw Nation, with three more to enroll the Choctaws, residing in the Chickasaw country. They were to prepare three distinct rolls; one of the citizens by blood, another of intermarried whites who had been received into the tribe, and a third, of all Negroes who were living in the nation at the time of the Fort Smith conference in 1865, together with their descendants. The rolls were to be delivered to the Principal Chief on, or before, October 20, and were to be subject to revision by the next General Council.⁴ The provision for separate rolls caused some to feel that an attempt would be made to confine participation in allotment to those citizens who held their places on the rolls through the fact that they were of Choctaw blood.⁵ The Chickasaw roll was to include all citizens by birth, adoption, or marriage, with no mention of freedmen. Their commission was to have power to take evidence for use before the Dawes Commission in citizenship matters, that were already arising.⁶

³ Commission to the Five Civilized Tribes, *Report 1896*, pp. 96, 111.

⁴ *Acts, Bills, and Resolutions of the Choctaw Nation*, Book 12, No. 4. Frank Phillips Collection, University of Oklahoma, Norman, Okla. (Hereafter cited, *Choctaw Acts*); *Indian Citizen*, Oct. 1, 1896.

⁵ *Indian Citizen*, Oct. 8, 1896.

⁶ *Indian Citizen*, Oct. 8, 1896.

Using a report that the Choctaw Commission was refusing to enroll many Indians by blood, of unquestioned right, who were not of their political affiliation, McCurtain refused to recognize the validity of their work and secured the passage of another act on October 30th, for a commission of five from each of the three districts, to enroll all the Choctaws within ten days.⁷ A subsequent act, approved November 11th, provided that a copy of this roll should be turned over to the Dawes Commission, immediately upon completion.⁸ By early November, the Chickasaw Commission had completed its work and turned its rolls, of about four thousand five hundred names, over to the Council, who were preparing a roll to be turned over to the Dawes Commission.⁹ These tactics were the occasion of much delay to the federal group and the hasty preparation of the rolls, with the political charges arising, caused the conviction that the Commission should have its powers widened to include that of passing upon the validity of names appearing on the rolls.

The nations, also, took steps to protect their interests against the horde who were seeking admission to their tribes through the Dawes Commission. Contracts were entered into with the legal firm of Stuart, Gordon, and Hailey, South McAlester, to represent the Choctaws in these matters, while W. B. Johnson, Ardmore, together with H. F. Paine, was given the task of defending the Chickasaws.¹⁰ After the period of filing applications had expired, arguments were heard, on the cases, at Vinita. The Commission, owing to the shortness of the time allotted them, was forced to make a rule prohibiting the cross-examination of witnesses. September 15th was the date set for Choctaw cases, and an array of legal talent was on hand. The nation conceded the right of intermarried whites to be enrolled, but held that preponderance of blood should be necessary in the determination of citizenship by blood.¹¹ The attorneys were capable and excellent arguments were advanced during the course of the hearing.

⁷ *Ibid.*, Oct. 22, 1896; *Choctaw Acts*, Book 12, No. 37.

⁸ *Choctaw Acts*, Book 12, No. 61.

⁹ *Indian Citizen*, Nov. 5, 1896.

¹⁰ *Ibid.*, Sept. 3, Nov. 26, 1896.

¹¹ *Indian Citizen*, Sept. 17, 1896.

No decisions were rendered until after October 10, 1896, and then no public announcements were made until after the interested nation, and the applicant, had been advised of the decision. Many knotty problems presented themselves in the settlement of the numerous cases before the Commission. Both nations had laws that a white man who secured citizenship through marriage with an Indian would lose such citizenship if the Indian died and the white citizen later married a white person. The Commission, however, refused to accept this rule, holding that it was contrary to treaty stipulations which held that all citizens should have equal rights. It did refuse, however, to recognize the claims of such white wives, and of the issue of such subsequent marriages. Rejection was also made, of the cases of certain Negroes, who had been freed prior to the signing of the Treaty of 1866.¹² It was during this period, also, that the matter of the Mississippi Choctaws was presented to the Commissioners. During the time for applications, a case was filed in the name of Jack Amos, *et al*, by Robert L. Owen, involving this class of applicants, but the Commission dismissed the plea.¹³

By December 1, 1896, the dead line set in the statute, virtually all cases had been decided and, in the vast majority of them, the claimants rejected.¹⁴ In this work, the Commission set the remarkable record of admitting only 2,075 citizens, out of a total of approximately 75,000 applicants. Out of this total, admitted in all five of the nations, 1,202 were Choctaws and 334 Chickasaws.¹⁵ While their time had been short, the federal Commissioners had been surprisingly efficient and it is significant that, in the subsequent disputes over the admission of citizens to the Indian rolls, the Indians, themselves, made virtually no criticism against the Commission for its part in that undertaking.

¹² *Ibid.*, Dec. 3, 1896.

¹³ Statement of Robt. L. Owen, *Cong. Record*, 63 Cong., 2 sess., 381.

¹⁴ Commission, *Report 1897*, 20; All Chickasaw cases (281, involving 2,500 persons) had been settled by December 1st. *Indian Citizen*, Dec. 3, 1896.

¹⁵ Commission, *Report 1898*, 3.

But, with the rendering of its decisions, the citizenship controversy was only well under way. Since, according to the Act of June 10, 1896, the federal courts of the Territory were given authority to hear appeals on the part of the persons refused admission to the rolls, or on behalf of the nations, if filed within a period of sixty days after the Commission's decisions had been handed down, those decisions merely paved the way for subsequent litigation. The struggle was only shifted to the court rooms of the Territory, from the councils of the Commission.

As February 6, 1897 approached, every effort was made to get all appeals perfected, as that marked the expiration of the sixty-day period, following the announcement of the Commission's decisions. Those who had clients were particularly interested in seeing that they were taken care of. As early as January 21, Ralls Brothers, Atoka attorneys, who were handling a large number of cases for claimants, were advertising that all who expected to appeal must get word to them by February 1.¹⁶ As a special incentive, Secretary D. R. Francis, of the Interior Department, issued an order on January 22 that all who had not appealed, and were living on, or holding, any tribal lands, although their applications had been denied by the Dawes Commission, would be compelled to vacate all such lands by February 6.¹⁷ In addition to those filed for private clients, the nations filed many appeals from decisions in which the Dawes Commission had admitted new citizens to their rolls, until there were about one thousand such cases filed in the United States courts by the expiration of the period of appeal.¹⁸

In virtually every case, the appeals against the Choctaws and Chickasaws were filed against one nation only, rather than against the two nations, jointly. This was to be extremely significant in the subsequent history of the cases, due to the fact that the two nations held their lands in common, even though they had separated their governmental entities by the Treaty of 1855.

¹⁶ *Indian Citizen*, Jan. 21, 1897.

¹⁷ *Ibid.*, Jan. 28, 1897.

¹⁸ Commission, *Report 1897*, 120.

The rules of procedure, governing the hearing of the appeals were similar in both of the courts, and were set forth in an order issued by the Central District at South McAlester on December 26, 1896. It was declared that all records for the appeals must be furnished by the tribunal from which the appeal was taken. A docket fee was to be filed with the papers, and service was to be permitted on either the chief executive of the nation, or upon the attorney-general, with an answer due within thirty days. All the descendants of a common ancestor might have their cases combined in one pleading, but the nation must give a separate answer to each individual in the case. For the Central District, appeals could only be taken at South McAlester, but court was to remain in continuous session there. In order to expedite matters, special masters in chancery would be appointed to hear the cases and report back to the judge of the court. If the courts gained any time by the latter practice, however, as much, or more, time was destined to be lost through a ruling that the master in chancery could receive new evidence and try the case *de novo*, rather than confine himself to a review of the case as it had been tried before the Dawes Commission.¹⁹

In the ensuing hearings, the confusion experienced by the Dawes Commission, during the preceding summer, was intensified in the courts. In addition to hearing the appeals, the dockets were crowded, and virtually all the work had to be turned over to the masters in chancery and the hearings were not as thorough as they might have been. Many cases of fraud were perpetrated before these men, who were not always trained in judicial procedure and practice, and much dissatisfaction on the part of the nations, became evident. This was brought about, largely, by a feeling that many undeserving candidates were being added to their rolls. By the middle of the summer, in the 241 cases appealed by the attorneys of the Choctaw Nation, only 61 decisions had been rendered, affecting the Choctaws and Chickasaws, all by Judge W. H. H. Clayton, of the Central District. From the

¹⁹ *Indian Citizen*, Jan. 7, 1897.

South McAlester court, thirty-six decisions favored the Choctaw Nation, twenty-one being denied and fifteen dismissed; and, of those admitted, all had been placed on the rolls, previous to the findings of the Dawes Commission, by the Choctaw census commissioners.²⁰

Virtually all the appeals were decided by the federal courts during 1897 and 1898, but frequent incongruities appeared in the decisions, as between the Central District, under Judge Clayton, and the Southern District, at Ardmore, under Judge Hosea Townsend. For instance, Judge Townsend held that absentee Indians, dwelling in the "states" could be enrolled, upon filing their applications. Judge Clayton held, however, in the case of Sidney J. Cundiff *v.* Choctaw Nation, that the purpose of the treaty of removal was to secure the removal of the Indians from the "states," and that the failure of the Nation to remain in possession of their land in the Territory would forfeit their right to the lands given them there. The same rule would apply to individual Indians and they would forfeit their rights upon removal from the Territory. These could only be recovered by return, and then, only in the event that their rights had not been taken from them by Indian legislation. By this decision, he held that non-resident Indians had no right to enrollment. Both were agreed, however, that the nations could set the requirements for marriages that would admit whites to citizenship and that such citizenship, once conferred, could not be abridged at the will of the nations. These principles, together with illustrative cases, were set forth early in 1898 in opinions by both jurists.²¹

In spite of continued expressions of dissatisfaction on the part of the Indians, the courts proceeded with their work. Green McCurtain pointed out, in his annual message to the Choctaw Council in October, 1897, that the nations were not given an opportunity to confront the witnesses of the applicants and were not given their "day in court," thereby permitting many of the

²⁰ *Indian Citizen*, July 22, 1897.

²¹ Commissioner of Indian Affairs, *Report 1898*, 465-78.

claimants to use fraudulent means.²² Decisions were rendered in cases involving 2,715 Choctaws and 891 Chickasaws during this short time. By these decisions, 1,772 Choctaws and 728 Chickasaws were admitted.²³ The percentage of the applicants admitted by the courts was in marked contrast to those whom the Dawes Commission had passed upon favorably in their hearings.²⁴ Since the judgment of the courts was to be final, these newly made citizens, commonly referred to as "court citizens," felt, as did the nations, that 2,500 new members were to be allowed all the benefits of tribal citizenship, including a share in the tribal lands. It appeared to be an unqualified triumph for the large number of territorial attorneys who had represented the applicants in their raid upon the tribal rolls.

But, while many of the Indians were resigned to this addition to their rolls, there were some who refused to admit that the courts, and the Dawes Commission, had a legal right to usurp the tribal function of making Indian citizens, holding that the law of 1896, conferring that power upon them was unconstitutional. Since the Indians were not citizens of the United States, however, they had no recourse to the federal courts without further Congressional action, so they went to work and secured a provision in the Indian Appropriation Act of July 1, 1898, permitting them to appeal their citizenship cases directly to the United States Supreme Court, on the grounds of the constitutionality or validity of any legislation affecting citizenship. The act provided that such appeals must be perfected within 120 days and that the Dawes Commission was not to be enjoined from the continuation of any phase of its work.²⁵

Under this new power, a number of cases were appealed to the Supreme Court,²⁶ and on May 15, 1899, that tribunal com-

²² *Messages and Papers of the Choctaw Principal Chiefs*, No. 19451. Archives, Oklahoma Historical Society, Oklahoma City, Okla. (Hereafter cited, *Choctaw Chiefs*); The courts accepted evidence by the Dawes Commission as competent proof in these cases. Commissioner of Indian Affairs, *Report 1898*, 458.

²³ Commission, *Report 1902*, 16.

²⁴ *Supra*, 8.

²⁵ 30 *Stat.*, 591; I Kappler, 665; Bixby, 30.

²⁶ *United States Supreme Court Reports*, CLXXIV, 467 (Hereafter cited, 174 U. S.).

bined the cases of Choctaw Nation *v.* F. R. Robinson and Chickasaw Nation *v.* Richard C. Wiggs, *et al*, with that of William Stephens, *et al*, *v.* Cherokee Nation, and rendered a decision in all three. The decision of the court, stated in an opinion written by Chief Justice M. W. Fuller, was that since appeals were allowed in cases between the United States and Indian tribes, only on questions of constitutionality or validity of legislation, the same rule would apply between such tribes and individuals, hence, the court was not called upon to pass on the merits of the cases, as such. The Court held that the power of Congress to transcend treaties by statutes had come to be accepted and the power to regulate judicial procedure had also been recognized. Therefore, the power to clothe the Dawes Commission with judicial authority in citizenship cases was constitutional.²⁷ Certainly, now that the highest court in the land had upheld the jurisdiction of the citizen-making agencies established by Congress, the matter was thought to be a closed issue, by a majority of those interested. Yet, the Indians were not willing to admit defeat.

On November 23, 1898, Chief McCurtain entered into a contract with James M. Shackelford, of Muskogee, to represent the Choctaw Nation in citizenship matters, at a fee of \$5,000 per year, with the understanding that the total amount would be paid, whether it took a whole year, or not.²⁸ In July, 1899, a similar contract was entered into between the Chickasaws and the South McAlester firm of Mansfield, McMurray, and Cornish, carrying a similar stipend.²⁹ After approving their chief's contract with Shackelford, on March 23, 1899,³⁰ the Choctaw Council passed another bill on October 19th, authorizing McCurtain to employ a competent attorney from November 23, 1899, when the previous contract was to expire, until the Choctaw rolls were completed and approved by the Secretary of the Interior,

²⁷ *Ibid.*, 467.

²⁸ *Copies of Documents in the Office of the Supt. for the Five Civilized Tribes*, I, 124-5, Archives, Oklahoma Historical Society, Okla. City, Okla. (Hereafter cited, *Copies of Supt. Docs.*).

²⁹ 61 Cong., 3 sess., *House Report*, 2273, I, vii.

³⁰ *Choctaw Acts*, Book 15, No. 42.

at \$5,000 per year, but with a provision that they were to receive only a proportionate share of the salary if the work were completed in less than a year's time.³¹ Under the terms of this act, the firm of Mansfield, McMurray, and Cornish soon entered into a contract with the Choctaws, similar to that held with the Chickasaws, and a relationship was entered into, that was to mean much in subsequent developments in citizenship matters.³² For a short time, in 1900, A. S. McKennon was connected with this firm, but his relationship with it was very brief.³³

A constant fight was made, by the nations, also, on the court citizens, through other channels. On March 25, 1899, the Choctaw Council approved an act appropriating \$2,500 to pay the law firm of Stuart, Lewis, and Gordon, for services under a contract between that firm and McCurtain, dated February 22, 1899, by which they were to be paid \$15.00 for each name removed from the Choctaw rolls as a result of their efforts, together with hotel and other expenses.³⁴ Evidently, all this appropriation was not used, however, as the report of the firm dated September 26, 1899, listed only seventy names as having been excluded from such citizenship.³⁵

As a result of a close study of the rolls, on the part of the tribal attorneys, and the Dawes Commission, during 1899, there were discovered, during the latter part of that year, and the early part of 1900, a number of names added to the Choctaw-Chickasaw rolls by the court of the southern district, which had not even appeared in the appeals upon which they had been added. Suit was brought by Mansfield, McMurray, and Cornish, representing the two nations, and P. B. Hopkins, for the Dawes Commission to have them removed, and as a result, a number of names were removed by order of Judge Hosea Townsend.³⁶ Through this action, eighty-four Choctaw citizens were eliminated

³¹ *Ibid.*, No. 79.

³² 60 Cong., 1 sess., Sen. Doc., 372, 11; *Indian Citizen*, Nov. 11, 1900.

³³ *Indian Citizen*, Nov. 11, 1900.

³⁴ Choctaw Acts, Book 15, No. 44.

³⁵ *Ibid.*, Book 15, No. 70.

³⁶ 60 Cong., 1 sess., Sen. Doc., 372, 14; *Indian Citizen*, Jan. 18, 1900.

and 106 Chickasaw names were stricken from the rolls.³⁷ Some progress was being made by the nations in their struggle against the court citizens who were attempting to place themselves in position to share in the pending property settlement, each share of which was expected to amount to approximately \$5,000. To eliminate them, would mean that the shares of those remaining on the rolls, would be larger.

In November, 1899, the tribal attorneys advanced, for the first time of record, a theory that was destined to become significant. Some time during that month, they presented the idea, to the Dawes Commission, that the court judgments of 1897-8 were invalid since they had been rendered in appeals against only one of the nations, while the Choctaws and Chickasaws retained joint ownership in all the lands. They also held that insufficient notice had been given in each case, since only the nation, against whom the appeal had been instituted, had been served in each instance.³⁸ While the origin of the theory was obscure,³⁹ the attorneys seized upon it as a possible source of obtaining redress.

Failing in their efforts to interest the Commission in their idea, the attorneys took their plea to the Commissioner of Indian Affairs and the Secretary of the Interior, early in 1900, where they again failed to arouse any interest. They then went to work to impress all whom they could, with the wrongs that had been perpetrated on the Indians and the justice of their contention. Individual cases were presented, pamphlets were distributed to any representative of the United States, either in the administrative departments or in Congress, who might be able to help them. No less than six trips were made to Washington, during 1900, by representatives of the firm. They were represented in Washington

³⁷ Commission, *Report 1902*, 17.

³⁸ *Messages and Papers of the Chickasaw Governors*, No. 12962. Archives, Oklahoma Historical Society (Hereafter cited, *Chickasaw Governors*); *Indian Citizen*, Sept. 13, 1900; 60 Cong., 1 sess., *Sen. Doc.*, 372, 42.

³⁹ J. G. Ralls attributed it to Dime Ainsworth, prominent Choctaw attorney. 60 Cong., 1 sess., *Sen. Doc.*, 372, 31.

almost continuously while Congress was in session and, by the end of the year, their efforts were beginning to bear fruit.⁴⁰

Having built up a sentiment in which there was evidence of a possibility of success, the two nations were induced to authorize new contracts with the firm early in 1901,⁴¹ and as a result, a contract was drawn up between Gilbert W. Dukes, who had succeeded Green McCurtain as Principal Chief of the Choctaws in 1900, Governor D. H. Johnston, and the firm of Mansfield, McMurray, and Cornish at Sherman, Texas, on January 17, 1901, under which the attorneys were to work to secure the removal of all names possible, and were to receive, as compensation, a sum equal to nine percent of the value of all shares, so removed. Each share was to be counted as worth \$4,800. It was to be on a contingent basis, and nothing was said concerning expenses.⁴² On the other hand, the existing contracts, under which the firm, acted as tribal attorneys at a set fee, with expenses, remained in force.⁴³ The new contract was not made public. It was not submitted to the national legislatures or to the Department of the Interior for approval and, for a long time, its terms were unknown.⁴⁴

Fortunately for the plans of the attorneys, the federal representatives had, before this, recognized the necessity for a supplementary agreement with the Choctaws and Chickasaws, to cure some defects that had appeared in the Atoka Agreement, and this was used as a means of securing consideration for their plan of reopening the citizenship cases. The nations refused to sign any agreement that would not provide for reconsideration of the judgments in question, and went to work to secure their ends. A preliminary agreement for closing the rolls, drawn up on September 5, 1899, failed of ratification by the Chickasaws.⁴⁵ Another, drawn up on February 7, 1901, which provided that

⁴⁰ *Chickasaw Governors*, No. 12962; 60 Cong., 1 sess., *Sen. Doc.*, 372, 10.

⁴¹ *Choctaw Acts*, Book 18, No. 6.

⁴² 60 Cong., 1 sess., *Sen. Doc.*, 372, 2-5.

⁴³ 61 Cong., 3 sess., *House Report*, 2273, *Part I*, viii.

⁴⁴ 60 Cong., 1 sess., *Sen. Doc.* 372, 26.

⁴⁵ 56 Cong., 1 sess., *House Doc.*, 221.

the judgments might be set aside by Congressional action, was revised before submission to Congress, to permit the institution of a suit in the United States Court for the Southern District of Indian Territory, to settle the judicial questions involved.⁴⁶ This failed to receive the affirmative action of Congress, so another agreement was entered into on March 21, 1902, providing, among other things, for test cases to be filed in both the Central and Southern District Courts of the Territory.⁴⁷

The provision for the test suits was altered by Congress, in the course of its consideration, however, and when the agreement was finally ratified by them, it called for the creation of a new court, to be known as the Choctaw-Chickasaw Citizenship Court, consisting of three judges, appointed by the President of the United States, at a salary of \$5,000 each, per year. It was to have jurisdiction to hear a bill in equity, to be filed by the two nations, jointly or separately, seeking the annulment or vacation of all the court judgments relating to citizenship under the Law of 1896, on the grounds of insufficient notice, since the nations were not both served. The case might be brought against ten of the court citizens, within ninety days after the agreement should become effective. In the event of a vacation of the judgments, all persons affected by the hearing should have the right to transfer their cases to the Citizenship Court without prejudice, from the preceding judgment and the other judgments might be appealed to the same court, within six months, for trial *de novo*. All judgments of the Court in cases arising under the Act of 1896 were to be final. It was to exist only until all cases were heard and, in no event, after December 31, 1903.⁴⁸

Such a court was without precedent and the opening of cases for rehearing, which, presumably, had been finally adjudicated by the Supreme Court of the United States, certainly was contrary to accepted judicial procedure. It was indicative of the political power resting in the hands of the Indians; of the

⁴⁶ 56 Cong., 2 sess., *House Doc.*, 490.

⁴⁷ 57 Cong., 1 sess., *House Doc.*, 512.

⁴⁸ 32 *Stat. L.*, 641; 1 Kappler, 771; Bixby, 57.

political sagacity and ability of the tribal lawyers; and of the realization, by Congress, of a measure of the wrongs suffered by the Indians under the working of the Act of June 10, 1896.

Having secured Congressional action on the agreement, the next step was to secure ratification by the nations. The resulting campaign was short, but bitterly contested. It became involved with the regular political campaigns of the summer and led to contests in seating the successful candidates in each capital. Other provisions in the agreement came up for debate, and it took the full strength of those favorable to its adoption to carry the measure. On September 25, 1902, however, it was ratified by a vote of 2,140 to 704 and on October 1, 1902, a proclamation was issued by the canvassing committee, declaring that the agreement had been in effect since midnight, September 25, 1902, as provided in the act of Congress. Those making up this committee, and signing the proclamation were Gilbert Dukes and S. J. Homer, Principal Chief and National Secretary, respectively, of the Choctaws; Palmer Moseley and J. L. Thompson, who held similar positions in the Chickasaw Nation; and Tams Bixby and Thomas B. Needles, for the Dawes Commission.⁴⁹

So anxious were the champions of tribal action to secure immediate results, that they had induced President Theodore Roosevelt to appoint the three judges on the day of Congressional ratification, contingent upon subsequent ratification by the governments, and the three new judges, Spencer B. Adams, North Carolina, Walter L. Weaver, Ohio, and Henry S. Foote, California, were in Indian Territory before actual voting had been completed by the Indians. They waited, however, until the agreement was proclaimed before organizing their court.⁵⁰ While they might not have been active in the politics attending consideration of the document, they were, at least, interested spectators. Judge Adams, writing to the Secretary of the Interior from Greensboro, North Carolina, on September 18th, quoted from letters he had

⁴⁹ *Chickasaw Manuscripts*, No. 7164. Archives, Oklahoma Historical Society (Hereafter cited, *Chickasaw MSS.*); *Indian Citizen*, Oct. 2, 1902.

⁵⁰ 61 Cong., 3 sess., *House Report*, 2273, Part 2, 675.

received from Mansfield, McMurray, and Cornish and from Judge Foote, at South McAlester, in which intelligent and interesting comments were made, by the writer, on the political scene in the Territory.⁵¹

The test suit was soon brought, and on December 19, 1902, the Citizenship Court rendered a decision in favor of the Choctaw and Chickasaw Nations, upholding their contentions, in the case of J. T. Riddle, *et al.*⁵² By that decision, the entire question of court citizenship was reopened, and under the direction of the tribal attorneys, all cases upon which suits could be built, were appealed, within the time set by the statute. On the other hand, many who had received adverse decisions from the territorial courts brought appeals, to have their cases adjudicated, until there were some 259 appeals, involving 3,520 persons, brought before the tribunal. Two dockets were prepared, one at South McAlester, where 128 cases appealed from the Central District were tried, and the other at Tishomingo, containing 131 appeals from the Southern District.⁵³

Since the trials were to be *de novo*, the attorneys for the nations sought all available information, for the securing of evidence of fraud or errors, taking depositions, affidavits, and statements wherever parties, connected with the applications, could be found. They worked in all the Southern states and secured evidence that showed fraudulent practices had been resorted to by many of those who were desirous of securing admission to tribal citizenship.⁵⁴ Many of the frauds were found to be of an especially glaring nature. One, the A. T. Cowling case, had been built up on an affidavit, in which the maker swore that he had known the applicant's grandparents in Indian Territory, while the applicant had sworn, on the stand, that his grandparents had died in Mississippi, without having ever removed to Indian Territory. Depositions had been introduced by Negroes who

⁵¹ *Copies of Supt. Docs.*, I, 201-4.

⁵² 62 Cong., 3 sess., *Sen. Doc.*, 1139, 8.

⁵³ Commission, *Report 1904*, 14.

⁵⁴ Melvin Cornish, Personal interview, Oklahoma City, Okla., Sept. 13, 1934.

admitted that they had been partners in preparing false despositions for this class of applicants.⁵⁵

While the Supplementary Agreement had provided that the life of the Citizenship Court should not extend beyond December 31, 1903, it was soon found that the vast amount of business could not be finished within the allotted time, so an act was passed, by Congress on March 3, 1903, extending its existence until December 31, 1904. This law also conferred upon the court, the task of determining the final amount to be paid to Mansfield, McMurray, and Cornish for their services in connection with the citizenship work; the Secretary of the Interior having refused to recognize their contract and consenting only to a fee of \$250,000, which the attorneys refused to accept.⁵⁶

Attacks were made upon the jurisdiction of the Court and the opponents filed a suit, attacking the constitutionality of the provision creating it. This came before the Supreme Court of the United States, in the case of *Ex parte Joins* and was settled in favor of the Court on November 9, 1903. Under the ruling in this case, the Court was permitted to continue its work and the legality of its decisions was upheld.⁵⁷ The nations were receiving the support of the federal government in their efforts to take spurious names from their rolls.

By December 10, 1904, the Court had completed its business, and held its last session at Tishomingo. One of the last of its official acts was to set the fee of the tribal attorneys at \$750,000, in spite of the fact that a strict adherence to their original contract could have been construed to allow them over one and one-fourth million dollars.⁵⁸ The justice of this fee has remained one of the disputed questions in the history of this litigation, to the present day. In spite of an attempt made by some members of the nations, through a suit brought in the courts of the District of Columbia, under the name of R. McLish, payment was finally

⁵⁵ Choctaw-Chickasaw Citizenship Court, *Records*, No. 25. Office of the Superintendent of the Five Civilized Tribes, Muskogee, Okla.

⁵⁶ 32 Stat. L., 932; Bixby, 79; 61 Cong., 3 sess., *House Report*, 2273, Part 2, 677.

⁵⁷ 191 U. S., 93.

⁵⁸ *Ibid.*; 60 Cong., 1 sess., *Sen. Doc.*, 372.

made in March, 1905. Thus, one of the largest fees in Indian Territory litigation, which was marked by some exceedingly large ones, was collected by the firm of Mansfield, McMurray, and Cornish.⁵⁹

During its existence, the Choctaw-Chickasaw Citizenship Court adjudicated the claims of 3,487 persons who had claimed the right to be admitted to the rolls of those nations. Of these only 161 were admitted, while 2,792 were denied and the appeals of 534 children and intermarried men and women, who had hoped to gain admission through their relation to court citizens, were dismissed for want of jurisdiction. The cases of 211 others were dismissed, because of their failure to transfer their cases to the Court after the Riddle decision, even though they had received favorable decisions from the federal courts of the Territory. Of those denied, 2,069 had previously been admitted by the federal courts, while 723 were appealing from adverse decisions by those courts.⁶⁰ By the activities of this body, the Choctaws and Chickasaws were saved an amount estimated at from fifteen to twenty million dollars, and they had that much more, in land and money, to divide among those who were held to be rightly entitled to shares in the gigantic division. Largely through the efforts of one firm of attorneys, who refused to accept as final, judgments from the courts of the United States, one of the greatest law suits in our history was brought to a successful completion.

The Dawes Commission had been vitally interested in the proceedings, in connection with this vast litigation. During its progress, the Commission was engaged in enrollment and allotment work, in the nations, and found that they were often delayed, pending decisions of the court. All during 1903 and 1904, they were involved in a dispute with the nations as to whether applications should be received from those who had identical ancestry

⁵⁹ *Indian Citizen*, Feb. 16, Mar. 2, 1905; 61 Cong., 3 sess., *House Report*, 2273, Part 2, 679.

⁶⁰ Commission, *Report 1905*, 11; These figures vary slightly from those submitted by the attorneys at the hearing, at which their fee was set. They held that 156 had been admitted, 2,798 denied, and 449 dismissed and held that 2,290 of those denied, had previously held favorable judgments by the courts. 60 Cong., 1 sess., *Sen. Doc.*, 372, 59-63.

with those whose cases were being tried, and other analagous cases. While the Indian Office and the Department of Interior were fairly consistent in upholding the Commission, there was one period, from December 7, 1903 until February 24, 1904, in which the receipt of all applications was suspended. Then, too, the attorneys were permitted to protest all such cases, which were analagous to those being tried in the Citizenship Court, and on February 6, 1904, such protests were filed, involving 1,031 persons, 120 of whom had already been approved by the Secretary of the Interior.⁶¹

On September 8, 1904, the Commission received a telegram from the Department to withhold, from allotment, the homes and improvements of all court citizens who had been placed on the tribal rolls, preceding the filing of the appeals, and who had refused to transfer their cases to the Citizenship Court.⁶² Finally, the Commission was bound by all decisions of the Court in subsequent enrollment work, and it received all the decrees, orders, and opinions of that body, which were certified to it before the Court's final dissolution.⁶³

The Commission's work was definitely delayed, and complicated, through the existence of the constant litigation; final record on all cases in which applications had been made before them in 1896, being delayed until receipt of the decisions of the Citizenship Court.⁶⁴ It was significant, however, that the findings of that Court were much more in keeping with those of the Commission, in its original decisions than had been those of the territorial courts in passing upon the appeals from its findings. The prestige of the Dawes Commission was, if anything, enhanced by the findings of the Citizenship Court.⁶⁵

⁶¹ Commission, *Report 1904*, 14-5.

⁶² [Tishomingo, I. T.] *The Chickasaw Capital*, Sept. 15, 1904.

⁶³ Commission, *Report 1905*, 11.

⁶⁴ Dawes Commission, *Records in Citizenship Cases of 1896*. Office of the Superintendent for the Five Civilized Tribes.

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THE MILITARY INVESTIGATION OF COLONEL JOHN M. CHIVINGTON FOLLOWING THE SAND CREEK MASSACRE

By
Wm. J. Mellor

With the discovery of gold in the Colorado Rockies, the stage was set for the final drama of the western plains Indian. Swiftly and surely the events leading up to the last scene, wherein he was to lose the greater portion of his vast domain, were fast taking place. One of the minor acts that make up the composite pattern of this tragic drama was the Sand Creek massacre. This incident involved action of Colorado soldiers under command of Colonel J. M. Chivington against the Cheyenne and Arapaho Indians. Extolled by some as a just and timely measure, others proclaimed it a murderous assault against the red children of the plains.¹ To say the least, it shocked the sensibilities of the effete East, precipitated a federal military investigation and brought sharp criticism upon the heads of the officers and those who assisted in the expedition.

In reviewing the events incident to the massacre, it is observed that before 1861, the Indians of the plains were nominally friendly with the United States. The Fort Laramie treaty of September 17, 1851 stipulated "the Territory of the Cheyennes and Arrapahoes, commencing at the Red Butte . . . of the Platte River; [was to extend] thence up . . . the Platte River to its source; thence along . . . the Rocky Mountains to . . . the Arkansas River; then down the Arkansas River to . . . the Santa Fé road; thence . . . to the forks of the Platte River; and . . . to the place of beginning."² This treaty was kept for the next ten

¹ Works of apologists for the Indian include: Helen Hunt Jackson, *A Century of Dishonor* (New York, 1881), 343-358; George W. Manypenny, *Our Indian Wars* (Cincinnati, 1880), 162-165; and George Bird Grinnell, *The Fighting Cheyennes* (New York, 1915), 127-169.

² Charles J. Kappler (ed.), *Indian Affairs. Laws and Treaties*, II (Washington, 1904, 3 vols.), 595.

years. However, as further encroachments were made by white pioneers, sporadic plundering and an occasional massacre on the far-flung frontier was but the inevitable result of the clash between two widely divergent and uncompromising forces. "For," as one writer puts it, "the Indian was an irresponsible child, and the frontiersman was reckless and inconsiderate."³

In the summer of 1858, placer gold was discovered near the present site of Denver. This proved scaly and thin, but in June, 1859 gold in paying quantities was discovered in the mountains. Teeming thousands, impoverished by the financial crisis of 1857, now turned their faces to the setting sun. Nearly one hundred thousand gold-seekers crossed the plains to the Pike's Peak country in 1859, and boldly settled on land pledged to the Indians. General W. T. Sherman, stationed at Fort Leavenworth (Kansas), wrote his brother, John, in April, 1859: "At this moment we are in the midst of a rush to Pike's Peak. Steamboats arrive in twos and threes each day, loaded with people for the new gold region. . . . Although probably twenty-five thousand people have actually gone, we are without authentic advices of gold."⁴ Driven from the mountains by this deluge of pioneers, miners, and home-seekers, the Indians moved to the valley of the Arkansas. Comprehending the impossible task of evicting the white settlers, the Federal Government in the Fort Wise treaty of February 18, 1861 further reduced the holdings of the Cheyennes and Arapahoes to the Sand Creek reservation, boundaries of which were from "the mouth of the Sand Fork of the Arkansas River . . . to the . . . Purgatory River; thence . . . to the northern boundary of the Territory of New Mexico; thence west . . . to a point . . . five miles east . . . of the Huerfano River; thence due north . . . to the place of beginning."

Here for the next three years these Indians endured the plight of seeing their former homes and hunting grounds devas-

³ Frederic Logan Paxson, *The Last American Frontier* (New York, 1922), 244.

⁴ Frederic Logan Paxson, *History of the American Frontier* (New York, 1924), 444.

⁵ Kappler, *op. cit.*, 807.

tated by an ever increasing throng thirsting for gold. They saw their game driven eastward to the plains and found themselves the objects of scorn and malice. When further provoked by the urgent demands of miners for better transportation, and that across their new reservation, the Indians donned their war-bonnets and performed the scalp-dance. War parties, actuated by hatred and revenge, now began to pillage and plunder the isolated settlements. Livestock was driven off, homes were burned, and many settlers were tortured, murdered, and scalped. Encouraged by their success in these depredations they then made systematic raids along the overland trails of the Platte and Arkansas rivers. Emigrant wagon trains were attacked and destroyed, as were the Pony Express and Overland Mail stations.⁶ Under date of June 27, 1864 Governor John Evans of Colorado, sent the following circular to the Indians of the plains: "The Great Father is angry, . . . but he does not want to injure those who remain friendly . . . I direct that all friendly Indians keep away from those who are at war, and go to places of safety. Friendly Arapahoes and Cheyennes belonging on the Arkansas River will go to Major Colley, . . . at Fort Lyon, who will give them provisions and show them a place of safety."⁷

With the exception of two small bands, the Indians ignored the invitation and the holocaust continued. After wiping out the few settlements and stations between Fort Lyon (Colorado) and Larned (Kansas), on the Arkansas River trail, the month of July, 1864 found their relentless fury centered mainly in the thickly settled valley of the Platte River. From Camp Sandborn (Colorado) eastward, this route, for a distance of more than three hundred miles, was the scene of utter ruin and desolation. The city of Denver, now without mail, faced dire want. In desperation, Governor Evans issued a proclamation in August "authorizing all citizens . . . to go in pursuit . . . also to kill and destroy as enemies . . . wherever they may be found, all such

⁶ From the report made by George K. Otis, General Superintendent of the Overland Mail Line to Honorable Wm. P. Dole in *Report of the Commissioner of Indian Affairs*, 1864, p. 254.

⁷ *Ibid.*, p. 218.

hostile Indians.”⁸ To supplement his state troops, he issued a call for volunteers to serve a period of one hundred days, and asked aid of the United States Army. To further complicate matters, the Cheyenne⁹ and Arapaho tribes were not the only Indians in the field. The Kiowa and Comanche who also inhabited the plains, as well as roving bands of Ute and Sioux Indians, were on the war-path at this time, and committed depredations in this region.¹⁰

Urged by William Bent to make peace with the whites, Black Kettle¹¹ and other warring chiefs sent the following letter to Major Colley, United States Indian Agent, at Fort Lyon:

Cheyenne Village, August 29, 1864.

Major Colley:

We received a letter from Bent, wishing us to make peace. We held a council in regard to it. All come to the conclusion to make peace with you, providing you make peace with the Kiowas, Comanches, Arapahoes, and Sioux. We are going to send a message to the Kiowas and to the other Nations about our going to make peace with you. We hear that you have some [Indian prisoners] in Denver. We have seven prisoners of yours which we are willing to give up, providing you give up yours. There are three war parties out yet, and two of Arapahoes. They have been out for some time and are expected in soon. When we held this council there were few Arapahoes and Sioux present. We want news from you in return. That is, a letter.¹²

⁸ *Ibid.*, 231.

⁹ General Sheridan who advocated the Indian policy that “punishment must always follow crime” said “The principal mischief-makers were the Cheyennes. Next in devilry were the Kiowas, and then the Arapahoes and Comanches.” P. H. Sheridan, *Personal Memoirs*, (New York, 1902), 295.

¹⁰ In addition to the depredating Indians, white guerrillas scourged the plains. Overt acts of these marauders are mentioned on pages 615, 753, 809, and 844 in the *War of the Rebellion Records*, Series I, Vol. XLI, Part II. In the second reference cited, First Lieutenant George L. Shoup writes Lieutenant J. S. Maynard (August 13, 1864), that he had captured three guerrillas, part of a gang of twenty-two men who had robbed a train on the Cimarron road “from which they took about \$1800 in specie and about the same in greenbacks They state also that a party of fifty or sixty men started about the same time they did last June to come into Colorado on a similar mission.”

¹¹ Black Kettle, known to the Indians as Moke-ta-ve-to, was principal chief of the Southern Cheyennes.

¹² *Report of the Commissioner of Indian Affairs*, 1864, p. 233.

This supplication resulted in a conference, arranged by Major Wynkoop, between Governor Evans and the Indians.¹³ But the Governor refused to make peace with them, saying that they did not come in when asked to do so, and that they must now make terms with the military authorities before they could talk of peace. The attitude shared by Evans and Chivington was confirmed by Major-general Curtis, commandant at Fort Leavenworth, who said: "I want no peace till the Indians suffer more. . . . No peace must be made without my directions."¹⁴ Then, too, since the Colorado authorities had appealed to the Federal Government for aid, they felt that to make peace now would signify that the situation was misrepresented.

Major Wynkoop, seeking to placate the Indians, gave them permission to bring their families to Fort Lyon. Here on October 20, Agent S. G. Colley reported that "Nearly all the Arapahoes are now encamped near this place and desire to remain friendly, and make reparation for the damages committed by them."¹⁵ Having offended the military authorities, by attempting to make peace with the savages, Major Wynkoop was relieved of his command¹⁶ When Major Scott J. Anthony assumed command, November 2, he found six hundred fifty-two Arapahoes within a mile of the post, and a camp of approximately seven hundred Cheyennes forty miles east on Sand Creek.¹⁷ After disarm-

¹³ The following Indian chieftains attended the conference at Camp Weld: Black Kettle, White Antelope, Neva, Bull Bear, Boisee, Notane, Knock Knee, and Heap Buffalo. White officers and civilians were: Colonel Chivington, Major Wynkoop, Captain Soule, Captain Wanless, Captain Sandborn, Captain Robins, Lieutenant Hawley, Lieutenant Cramer, Governor Evans, J. B. Smith, Amos Steck, John Smith (interpreter), R. S. Wilson (Sheriff), Sam Ashcraft, Simpson Whiteley, and James McNassar.

¹⁴ *Report of the Commissioner of Indian Affairs*, 1864, P. 218.

¹⁵ *Ibid.*, 243.

¹⁶ In his letter of December 2, 1864 to Major B. S. Henning of Fort Riley, Kansas, Major-General S. R. Curtis says: "The treaty operations at Lyon greatly embarrass matters, and I hope you have disposed of Major Wynkoop and directed a change for the better. Indians must be kept at arm's length. Even if they come in as prisoners of war we are not obliged to receive them, or feed them, or allow them inside the forts." *Official Records*, Series I, Vol. XLI, Part IV, p. 751.

¹⁷ An apologist for the soldiers has said since there were a total of eighteen hundred Southern Cheyennes at this time, the remaining twelve hundred were still open enemies to the whites. J. P. Dunn, *Massacres of the Mountains* (New York, 1886), 409.

ing the former, he ordered them away from the fort. Chief Left Hand, with a few lodges, joined the Cheyennes while the remaining Arapahoes under Chief Little Raven moved down the Arkansas River some sixty miles to Camp Wynkoop.

In the meantime Colonel Chivington, having opened the Platte River road with the Third Colorado Cavalry, returned to the Bijou Basin east of Denver. From here he hastened south in a secret maneuver that brought him to Fort Lyon on November 27. After a council of war, he left Fort Lyon the next night with an estimated force of nine hundred soldiers.¹⁸ Negotiating the intervening forty miles in utmost secrecy, he arrived at the Cheyenne Indian camp in the big bend of Sand Creek at daybreak, November 29, 1864. Dividing his forces, so as to encompass the camp, he immediately launched a furious attack that soon crushed the resistance offered by the surprised Indians. In the melee that followed, the Arapaho chieftain Left Hand, and at least nine Cheyenne chiefs were killed. Listed among the latter were: White Antelope, One Eye, and War Bonnet.¹⁹ At the beginning of the contest, Black Kettle, head chief of the Cheyenne village, vainly attempted to halt the onslaught but failing in this he bowed to the superior force of the whites and was saved from death in being carried from the field by his braves.

Having gained entrance to the village, the soldiers fired the lodges²⁰ and continued their slaughter of men, women, and children. The Indians, seeking to escape, fled in all directions. Many of them seeking refuge in hastily constructed pits along the

¹⁸ Major-General S. R. Curtis commanding the Department of Kansas reported Colonel Chivington had forty-three officers and seven hundred nineteen men in his command during the month of November, 1864. *Official Records*, Series I, Vol. XLI, Part IV, p. 732.

¹⁹ White Antelope was the brother of Black Kettle. Other Cheyenne chiefs killed included: Standing Water, Spotted Crow, Two Thighs, Bear Man, Yellow Shield, and Yellow Wolf. The soldiers had seven of their number killed and forty-seven wounded, of whom seven afterwards died. J. P. Dunn says One Eye "was in the camp as a spy; placed there, on a salary of \$125. per month and a ration, by Major Wynkoop, to watch these 'friendly' Cheyennes, and continued in the same position by Major Anthony." Dunn, *op. cit.*, 417.

²⁰ John Smith, an Indian interpreter who had been in the camp, said there were one hundred lodges containing two hundred men and five hundred women. Ten lodges belonged to the Arapahoes and the rest were those of the Cheyennes.

banks of Sand Creek were given no quarter. The soldiers, firing from both sides of the creek, not only wrecked havoc on the Indians but endangered the lives of their own company. The contest was waged for at least four hours, during which time it is estimated that from one hundred fifty to five hundred Indians were slain.²¹ Two-thirds of the number killed were women and children. Approximately five hundred ponies, taken in the fight, were later distributed among the soldiers who had participated in the massacre. Two adult males, three adult females and four children were captured. One of the former, Jack Smith, was later killed. The soldiers scalped the dead, mutilated the bodies, and took more than one hundred scalps which were later exhibited between the acts of a theatrical performance in Denver. One authority quotes *The Denver News* as commenting on the outcome of the massacre: "All acquitted themselves well. Colorado soldiers have again covered themselves with glory."

The Military Commission appointed to investigate the action of Colonel J. M. Chivington against the Cheyenne and Arapaho Indians at Sand Creek, convened at Denver, Colorado Territory, February 1, 1865 under Special Order No. 23 issued by Colonel T. Moonlight, Commander of the District of Colorado. Members of the Commission included: Samuel F. Tappan, Lieutenant Colonel, Veteran Battalion, First Colorado Cavalry, President of the Commission; Captain George H. Stilwell, Recorder; and Captain E. A. Jacobs, Member. The investigation began February 9, and continued through May 30, 1865. During the seventy-six days required for the investigation, eighteen days of which were held at Fort Lyon, two hundred twenty-eight pages of evidence were accumulated and submitted to Edwin M. Stanton, Secretary of War. On February 12, 1867 this report was sent to the United States Senate in answer to a request made eight days previously.

²¹ George Bent, a participant in the battle, says that one hundred fifty Indians were killed. Colonel Chivington estimated the number at five hundred.

The report covers the testimony of thirty-three witnesses²² who appeared before the Commission, numerous letters, telegrams, and eleven depositions made by as many individuals.

Reasons for the investigation were specified in orders sent Lieutenant Colonel Tappan by General Moonlight, February 12, 1865 which stated:

The commission . . . is convened for the purpose of investigating . . . the Sand Creek fight, to ascertain . . . who are the aggressors, whether the campaign was conducted . . . according to the recognized rules of civilized warfare, and whether based upon the law of equity from the commencement of Indian hostilities to the present time . . . whether the Indians were under the protection of the government, and by what authority, or through what influence, they were induced to place themselves under that protection; whether Colonel Chivington was knowing to this fact; and whether, or not, the campaign was forced upon the Indians by the whites knowing their helpless condition; and whether the Indians were in a state of open hostility and prepared to resist any and all of the United States troops.

Whether any prisoners were taken . . . and the disposition made . . . If the proper steps were taken . . . to prevent unnatural outrages . . . and [to] punish the transgressors, if such there were . . . the amount, kind, and quality of property captured . . . the disposition made of that property, and the steps taken . . . [to] insure justice to all parties, . . . the treatment of government property, such as horses and mules in the service, during the campaign.²³

²² Of these witnesses, nineteen were unfavorable to Colonel Chivington, while fourteen were favorable to his defense. Witnesss incriminating Colonel Chivington in the order of their appearance on the witness stand were: Captain S. S. Soule, Second Lieutenant Joseph A. Cramer, First Lieutenant C. C. Hawley, Amos Stock, James P. Beckwith, N. D. Snyder, Captain L. Mullin, Major E. W. Wynkoop, John W. Prowers, First Lieutenant James D. Cannon, J. M. Coombs, D. H. Louderback, George M. Roan, Sergeant Lucian Palmer, Amos D. James, Second Lieutenant W. P. Minton, James J. Allen, Lieutenant C. M. Cossitt, and C. L. Gorton.

Those favoring Colonel Chivington were: First Lieutenant Clark Dunn, Captain T. G. Cree, S. P. Ashcraft, Stephen Decatur, Second Lieutenant Henry H. Hewitt, Dr. Caleb S. Birdsall, B. N. Forbes, Captain Presley Talbot, Second Lieutenant Harry Richmond, Simeon Whiteley, Alex F. Safely, T. P. Bell, Captain Jay J. Johnson, and W. H. Valentine.

²³ *Sen. Ex. Doc.*, 39 Cong., 2 sess., II, 23, p. 3.

Further stipulations to govern the proceedings were that the Commission was not intended as a trial, but to investigate and accumulate facts for the government, insure justice and fix the responsibility. Colonel Chivington's requests that the Commission delay its organization until he prepared objections, that news reporters be allowed, and that the sessions be open to the public, were denied. Likewise, his contention that the subject-matter investigated should be submitted to a court of inquiry instead of a military commission, and his objection to Lieutenant Colonel Tappan²⁴ sitting on the Commission, were refuted and denied.²⁵

When actual hearing of testimony began February 15, 1865 with Captain Silas S. Soule²⁶ as the first witness, one of the important questions confronting the Commission was "Who were the aggressors in the Sand Creek tragedy?"²⁷ The answer is conjectural since the origin of the Indian uprising is clouded. Black Kettle said it began when a party of his young men, who were on a hunting expedition in the South Platte valley, were accosted by United States soldiers. The Indians, having found some loose stock on the prairie were taking them to their own-

²⁴ Colonel Chivington objected to Lieutenant Colonel Tappan on grounds that Tappan was his open and avowed enemy. Since ill-feeling did exist between the two, another officer should have been substituted for the latter.

²⁵ Although a congressional and a departmental investigation followed the military investigation, the latter was the only one of the tribunals before which Colonel Chivington appeared and was given opportunity to cross examine or produce witnesses. Dunn, *op. cit.*, 417.

²⁶ On the 48th day of the investigation, April 24, 1865, the military commission made the following report: "Captain Silas S. Soule, veteran battalion first Colorado cavalry, having (while in the performance of his duty as provost marshal) been assassinated in the streets of this city, [Denver] the Commission, in respect to the memory of the deceased, adjourned until 9 a. m. tomorrow, April 25, 1865." *Sen. Ex. Doc.*, 39 Cong., 2 sess., II, 26, p. 159.

²⁷ The Cheyennes fought the troops under Major Downing, defeated those under Lieutenant Dunn and Lieutenant Ayres, attacked settlements on the Little Blue, and after killing the men, they carried off Mrs. Ewbanks, Miss Roper and three children. It was almost certainly they who killed Mr. and Mrs. Hungate and their two babies at Running Creek. They carried off Mrs. Martin and a little boy from a ranch on Plum Creek, ambushed General Blunt's advance guard at Pawnee Fork and almost annihilated it, and on November 12, after Black Kettle had gone to Sand Creek, a party of Cheyennes and Arapahoes after professing friendship suddenly fell upon the teamsters of a government train on Walnut Creek, east of Larned, and killed fourteen of them. Dunn, *op. cit.*, 412.

ers,²⁸ whereupon the soldiers attempted to deprive them of their arms and a fight ensued. Later, said the chief, an Indian village in Cedar Canon was attacked by government troops. Also that a column of troops proceeding from the Smoky Hill toward the Arkansas had murdered Lean Bear, second chief of the Cheyennes, as well as his son, who had approached the column with friendly feelings. This account is further corroborated by White Antelope.²⁹

Directly opposing these charges is the statement by Governor Evans that the Indians had stolen about forty horses and when the soldiers went to recover them the Indians fired a volley into their ranks.³⁰ Neva, Bull Bear, and Lean Bear expressed their desire for peace³¹ at the Camp Weld peace conference, while Black Kettle said, "All we ask is that we may have peace with the whites . . . I want you to give all the . . . soldiers here to understand that we are for peace, and that we have made peace, that we may not be mistaken by them for enemies."³²

Major General S. R. Curtis' telegram to Colonel Chivington under date of September 28, 1864 stated:

I shall require the bad Indians delivered up; restoration of equal numbers of stock; also hostages to secure. I want no peace till the Indians suffer more. Left Hand is said to be a good chief of the Arapahoes, but Big Mouth is a rascal. I fear agent of Interior Department will be ready to make presents too soon. It is better to chastise before giving anything but a little tobacco to talk over. No peace must be made without my directions.³³

²⁸ This expression was commonly employed by the Indians on such occasions.

²⁹ *Sen. Ex. Doc.*, 39 Con., 2 sess., II, 26, p. 21.

³⁰ *Ibid.*, 216.

³¹ On November 28, Major-General S. R. Curtis wrote the Commander of the Department of New Mexico, Brigadier-General J. H. Carleton: "The Arapahoes and Cheyennes have come into Lyon begging for peace, turning over prisoners, horses &c., for that purpose. The hardest kind of terms are demanded by me and conceded by some of these Indians." *Official Records*, Series I, Vol. XLI, Part IV, p. 709.

³² *Sen. Ex. Doc.*, 39 Cong., 2 sess., II, 26, p. 213. Black Kettle's plea for peace with the whites was one commonly employed by the Indians on such occasions.

³³ *Official Records*, Series I, Vol. XLI, Part III, p. 462. Major-General Curtis herein reveals the state of affairs existing between the War Department and the Bureau of Indian Affairs. The latter issued weapons along with other commodities to the Indians. When the Indians used these weapons against the whites it became the duty of the War Department to punish them.

Braced by this admonition from the Commanding General of the District of Colorado, and urged to drastic action by the Colorado citizenry, Colonel Chivington and Governor Evans entered the Camp Weld peace conference, which convened the preceding day. Agent Whiteley records Governor Evans as saying to the Indians:

The time when you can make war best is in the summer time; the time when I can make war best is in the winter. You so far have had the advantage; my time is fast coming. . . . My proposition to the friendly Indians has gone out. I shall be glad to have them all come in under it. I have no new proposition to make. Another reason that I am not in condition to make a treaty is, that war is begun, and the power to make a treaty of peace has passed from me to the great war chief. My advice to you is to turn on the side of the government, and show by your acts that friendly disposition you profess to me.³⁴

He further stated: "The only way you can show this friendship is by making some arrangement with the soldiers to help them." To this the Indians assented. The Governor then explained that the Indians were to keep with the United States soldiers. "You understand," he said, "if you are at peace with us, it is necessary to keep away from our enemies; but I hand you over to the military, one of the chiefs of whom is here today, and can speak for himself." To which Colonel Chivington³⁵ replied, "I am not a big war chief, but all the soldiers in this country are at my command. My rule of fighting white men or Indians is, to fight them until they lay down their arms and submit to military authority. You are nearer Major Wynkoop than any one else, and you can go to him when you get ready to do that."³⁶

Other questions to be answered during the investigation were: "Did the Indians comply with Major Wynkoop's request and manifest a desire for peace?" "Did they believe that Major An-

³⁴ *Sen. Ex. Doc.*, 39 Cong., 2 sess., II, 26, p. 217.

³⁵ S. E. Browne reported to the Commissioner, "I heard Colonel Chivington in a public speech announce that his policy was to kill and scalp all, little and big, that nits made lice."

³⁶ While the Indians admitted depredating, and had been slow in acceding to the demands made by Governor Evans, the privilege of protection was still open to them.

thony, who succeeded Major Wynkoop, would also be peaceful with them?" And, "If the Indians were under the protection of the Government, by whose authority, and did Colonel Chivington know this?" In answer to the query, "What was the understanding with the Indians in and about Fort Lyon"? Captain Silas S. Soule testified, "they were to be protected by the troops there until the messenger returned from General Curtis."³⁷ He further testified that the Indians encamped near Fort Lyon, in obedience to Major Wynkoop's orders, "were about 120 lodges, or about 600 Indians," and that they were furnished provisions. Second Lieutenant W. P. Minton said, "There was an understanding made with the Indians that they were to go to camp at Sand Creek, and were to be considered under the protection of the post."³⁸ Major Wynkoop³⁹ was relieved from command at Fort Lyon, November 5, and left for district headquarters, November 26. His successor was Major Scott J. Anthony.

John W. Prowers, government contractor, informed the Commission that when Major Wynkoop left he told the Indians he could do no more for them but that they could depend upon what Major Anthony told them. He further stated Major Anthony then told the Indians to remain on Sand Creek and he would advise them of General Curtis' decision in the matter.⁴⁰ This evidence was indorsed in a deposition by the Indian interpreter John Smith.⁴¹ According to the testimony of Major Wynkoop the Indians kept their part of the bargain. He said, "from the time I held the consultation with the Indian chiefs on the headwaters of the Smoky Hill, up to the date of the massacre by Colonel Chivington, not one single depredation had been committed by the Cheyenne and Arapahoe Indians," and "lines of commu-

³⁷ Sen. Ex. Doc., 39 Cong., 2 sess., II, 26, p. 3. After Major Wynkoop had returned from the peace conference in Denver he dispatched Lieutenant W. W. Denison to General Curtis at Fort Leavenworth, asking disposition of the Indians under his protection at Fort Lyon. The courier did not return before the massacre.

³⁸ *Ibid.*, p. 146.

³⁹ Major Wynkoop was again placed in command of Fort Lyon on the following January 15, 1865.

⁴⁰ Sen. Ex. Doc., 39 Cong., 2 sess., II, 26, p. 105.

⁴¹ John Smith, who had married the daughter of One Eye, was kept under guard by Colonel Chivington, who feared he would warn the Indians, for a period of three days before and during the massacre.

nication to the States were opened, and travel across the plains rendered perfectly safe through the Cheyenne and Arapahoe country."⁴²

A letter of regrets signed by nine fellow officers and given Major Wynkoop when they learned he had been relieved at Fort Lyon and ordered to Fort Leavenworth, carried the following endorsement of his successor, Major Anthony:

HEADQUARTERS FORT LYON, C. T.,

November 26, 1864.

Respectfully forwarded to headquarters district, with the remarks: That it is the general opinion here by officers, soldiers, and citizens, that had it not been for the course pursued by Major Wynkoop towards the Cheyenne and Arapahoe Indians, the travel upon the public road must have entirely stopped and the settlers upon the ranches all through the country must have abandoned them or been murdered, as no force of troops sufficient to protect the road and settlements could be got together in this locality.

I think Major Wynkoop acted for the best in the matter.

SCOTT J. ANTHONY,

Major First Cavalry of Colorado, Commanding Post.⁴³

In addition to this another letter was given Major Wynkoop signed by twenty-seven citizens of the Arkansas valley who endorsed his Indian program.

Second Lieutenant Joseph A. Cramer, in a conversation with Major Anthony prior to leaving Fort Lyon on the eve of November 28, relative to a contemplated attack upon the Indians, said "I stated to him that I was perfectly willing to obey orders, but that I did it under protest, for I believed that he directly, and all officers who accompanied Major Wynkoop to the Smoky Hill indirectly, would perjure themselves both as officers and men; that I believed it to be murder to go out and kill those Indians." To which Major Anthony replied that "he had made no pledges that would compromise his honor; that the promise he had given

⁴² *Sen. Ex. Doc.*, 39 Cong., 2 sess., II, 26, p. 124. Members of Bull Bear's band known as "Dog Soldiers" continued their depredations.

⁴³ *Ibid.*, 94. That Major Wynkoop promised protection to the Indians is generally accepted.

the Indians he did not consider binding, inasmuch as he had not heard from General Curtis or Washington, and that was as far as his argument extended, to let them know when he did hear." And further, "the object of the expedition was to surround the camp and take the stolen stock and kill the Indians that had been committing depredations during the last spring and summer."⁴⁴ Cramer further testified he told Colonel Chivington, that since Major Wynkoop had pledged his word to the Indians, all the officers under him were indirectly pledged in the same manner. To which Colonel Chivington replied that, "he believed it to be right or honorable to use any means under God's heaven to kill Indians that would kill women and children, and 'damn any man that was in sympathy with Indians,' and such men as Major Wynkoop and myself had better get out of the United States service."⁴⁵ From a deposition made by S. G. Colley, United States Indian Agent, is quoted the following:

From the time that Major Wynkoop left this post to go out to rescue the white prisoners, until the arrival of Colonel Chivington here, which took place on the 28th day of November last, no depredations of any kind had been committed by the Indians within 200 miles of the post. That upon Colonel Chivington's arrival here with a large body of troops he was informed where these Indians were encamped, and was fully advised under what circumstances they had come into this post, and why they were then on Sand Creek. That he was remonstrated with, both by officers and civilians at this post, against making war upon those Indians; that he was informed and fully advised that there was a large number of friendly Indians there, together with several white men, who were there at the request of himself and Colley, and by permission of Major Anthony. That notwithstanding his knowledge of the facts, as above set forth, he . . . did . . . surprise and attack said camp of friendly Indians.⁴⁶

⁴⁴ *Ibid.*, 46. Captain T. G. Cree stated under oath during the investigation that Lieutenant Cramer had said Colonel Chivington was working for a Brigadier-General's Commission and they were going to crush him.

⁴⁵ In a letter dated August 13, 1864 Colonel Chivington wrote the commanding officer at Camp Collins that four hundred Utes were on the war path and promised not to interfere with the whites if the soldiers would not interfere with them while they were after the Sioux, Arapahoes and Cheyennes. He concluded by saying, "Now, if these red rebels can be killed off by one another it will be a great saving to the government, for I am fully satisfied that to kill them is the only way to have peace and quiet." *Official Records*, Series I, Vol. XLI, Part II, p. 695.

⁴⁶ Sen. Ex. Doc., 39 Cong., 2 sess., II, 26, p. 132.

The other side of the picture was presented by Private Alexander F. Safely, Second Lieutenant Harry Richmond and First Lieutenant Clark Dunn. Each of these three men swore that Major Anthony said he was glad Colonel Chivington's command had arrived, that the Indians at Sand Creek were hostile, they had dared him to fight them and that he would have gone out and killed them if he had had a sufficient number of troops. While their testimony incriminates the Indians, and strengthens Colonel Chivington's point that he was needed, it magnifies the duplicity of Major Anthony.⁴⁷

Next were the questions "Was the campaign forced on the Indians?" and "Were the Indians hostile and prepared to resist?" The deposition of the interpreter John Smith⁴⁸ states the village was attacked by Colonel Chivington with a command of nearly a thousand men and that not over sixty Indians made any defense. In riding over the field after the battle he counted about seventy dead and mutilated bodies,⁴⁹ a majority of which were those of women and children. When the troops first approached he endeavored to join them but was repeatedly fired upon. He further said when the troops began approaching in a hostile manner he saw Black Kettle hoist the American flag over his lodge and display a white flag or truce.⁵⁰

James P. Beckwith, guide and interpreter, in reply to the question, "Did any of the Indians make an attempt to reach Colonel Chivington's command at the time of the attack?" replied, "White Antelope [did]. He came running out to meet the command at the time the battle had commenced, holding up his hands and saying, 'Stop! Stop!' . . . He stopped and folded his arms

⁴⁷ It is quite evident that Major Anthony gave protection to the Indians. He allowed them to visit Fort Lyon and on one occasion gave them a wagon load of flour.

⁴⁸ John Smith, Watson Clark and David H. Louderback were in the village when the attack was launched. They had been given permission by Major Anthony to trade with the Indians.

⁴⁹ Private N. D. Snyder reported he saw the bodies of ninety-eight dead Indians at Sand Creek, while Private Amos D. James counted an equal number.

⁵⁰ That the Indians were flying the American flag over their village was attested by Privates G. M. Roan and N. D. Snyder.

until shot down.”⁵¹ Second Lieutenant J. A. Cramer says “several Indians were killed while running towards the troops with both hands raised.”⁵² It was estimated by Private David H. Louderback that there were one hundred twenty lodges and five hundred Indians in the camp. He also stated that the Indians had made no preparations for defense before the attack. First Lieutenant James D. Cannon said the Indians tried to shelter themselves when the firing began by digging holes under the banks in the sand.⁵³

However, Private Stephen Decatur says the Indians were prepared for the combat “as there were holes longer and deeper than they could have dug after we attacked them in the morning.” He further stated he saw no white flag of truce put up by the Indians, and “The next day after the battle I went over the battleground, . . . and counted 450 dead Indian warriors.”⁵⁴ A different version in the killing of White Antelope was given by Private Alexander F. Safely who says “He came running directly towards Company H, he had a pistol in his left hand, and a bow with some arrows in his right. He got within about fifty yards of the company; he commenced shooting his pistol, still in his left hand.”⁵⁵ He also testified that George Pierce, a soldier, was the first person killed in the battle, and that at no time was a white flag displayed in the village by the Indians. While in the field, Colonel Chivington sent the following dispatch to Governor Evans then in Washington, D. C.: “Had fight with Cheyennes forty miles north of Lyon. 1 lost 9 killed and 38 wounded. Killed 500 Indians; destroyed 130 lodges; took 500 mules and ponies; marched 300 miles in ten days; snow two feet deep for 100 miles. Am still after them.”⁵⁶

⁵¹ *Sen. Ex. Doc.*, 39 Cong., 2 sess., II, 26, p. 70.

⁵² *Ibid.*, 49.

⁵³ This was an important matter since it concerned defensive operations by the Indians. Stephen Decatur said these sand pits were previously prepared.

⁵⁴ *Sen. Ex. Doc.*, 39 Cong., 2 sess., II, 26, p. 195.

⁵⁵ *Ibid.*, 221.

⁵⁶ *Official Records*, Series I, Vol. XLI, Part IV, p. 797. Captain A. J. Gill supposed there were about five hundred Indians killed while George L. Shoup placed the number at about three hundred.

Further testimony was needed by the Commission to answer the questions "Was the campaign conducted according to the rules of warfare?" and "Were steps taken to punish unnatural outrages?"⁵⁷ J. M. Coombs states that on meeting Colonel Chivington's command at Spring Bottom station before it reached Fort Lyon, he overheard Colonel Chivington say, "Scalps are what we are after. . . . I long to be wading in gore."⁵⁸ Captain A. J. Gill states in a deposition that when the attack began Colonel Chivington said: "Now boys, I shan't say who you shall kill, but remember our murdered women and children."⁵⁹ First Lieutenant James D. Cannon swore that two-thirds of those killed were women and children and that he saw soldiers scalping and mutilating Indians. "I had some men to tell me," he says, "that they had scalped, some one, some two, and some three and four Indians." Also he "heard one man say that he had cut a squaw's heart out, and he had it stuck up on a stick."⁶⁰

James P. Beckwith likewise said two-thirds of those slain were women and children, and that he saw several of Colonel Chivington's command in the act of scalping Indians. When asked to name those he saw scalping the dead, James J. Allen testified, "There was one person that they called Major . . . There was another officer . . . they called Richmond . . . There were some privates engaged in scalping . . . I saw some cutting the fingers off of dead Indians to get the rings off."⁶¹ Sergeant Lucian Palmer said, "They were scalped; skulls broken in in several instances; I saw several of the third regiment cut off their

⁵⁷ "The Sand Creek massacre is perhaps the foulest and most unjustifiable crime in the annals of America. It was planned by and executed under the personal direction of J. M. Chivington . . . But for that horrible butchery it is a fair presumption that all the subsequent wars with the Cheyennes and Arapahoes and their kindred tribes might possibly have been averted." Nelson A. Miles, in *Personal Recollections*, (Chicago, 1897), 139.

⁵⁸ *Sen. Ex. Doc.*, 39 Cong., 2 sess., II, 26, p. 117.

⁵⁹ *Ibid.*, 179. This statement was endorsed by First Lieutenant James D. Cannon. Many of the men who took part in the engagement had lost relatives and personal property at the hands of the Indians.

⁶⁰ *Ibid.*, 113.

⁶¹ *Ibid.*, 150.

fingers to get the rings off of them. I saw Major Sayre scalp a dead Indian."⁶²

Three men, C. S. Birdsall, T. P. Bell and Stephen Decatur, were recorded as saying white scalps were found in the lodges of the Indians. The latter said, "I saw some of the men opening bundles or bales. I saw them take therefrom a number of white persons' scalps."⁶³

The questions concerning prisoners now arise: "Were any prisoners taken?" and "If so, what was done with them?" George L. Shoup quoted Colonel Chivington as saying he did not intend to take any prisoners. And Second Lieutenant J. A. Cramer stated that after remarking on the circumstances of the killing of some prisoners Captain Cree said he was acting under orders from Colonel Chivington.⁶⁴

Regarding the kind, quality, and disposition of Indian property captured in the encounter, as well as the treatment of government property and safety provided for the soldiers engaged, the following evidence was introduced before the Commission. First Lieutenant James D. Cannon affirmed there were about six hundred ponies and mules captured and quite a number of buffalo robes. He also avowed that the soldiers were subjected to cross-fire. Second Lieutenant J. A. Cramer substantiated this testimony by saying the "men were directly opposite each other, on both sides of the creek, and were firing towards each other, and several times during the fight I ordered my men to cease firing, owing to the position in which our troops were placed,

⁶² *Ibid.*, 143. Others who testified scalping was done by white soldiers unopposed by their officers were: N. D. Snyder, George L. Shoup, Amos D. James, D. H. Louderback and A. J. Gill. S. E. Brown said he had seen over a hundred scalps in Denver said to have been taken at Sand Creek.

⁶³ *Ibid.*, 195. Wearing apparel and personal effects of white persons previously murdered by the Indians were also found in the lodges. One writer has said the people of Colorado wanted revenge so they marched to Sand Creek "with the fire of vengeance in their hearts, and quenched it in blood."

⁶⁴ Captain Soule and J. P. Beckwith reported that eight were captured. Colonel Chivington attempted to impeach the testimony of D. H. Louderback, concerning the killing of Jack Smith on the day following the massacre, by the testimony of Presley Talbot. An objection by Lieutenant Colonel Tappan was sustained by the Commission.

and fearful of killing some of our own men.”⁶⁵ He further certified that no field officer endeavored to rally the men from under each other’s fire. Private B. N. Forbes asserted “I saw all the wounded; my impression is two or three were wounded by their own companions.”⁶⁶ The testimony of Captain Silas S. Soule,⁶⁷ who was later assassinated, was to the effect that as many as two hundred soldiers carried away property formerly belonging to the Indians when the village was sacked.⁶⁸ Assistant quartermaster C. L. Gorton stated he received ninety-three captured ponies and two mules from Lieutenant Elliott which had been rounded up by government detectives. Also, that one hundred ten horses used by the soldiers and returned to him by Captain Mullen were unfit for further service. “The lodges were burned . . . The ponies [captured] numbering 504, were placed in charge of the provost marshal. A few remained in the hands of the troops,”⁶⁹ was recorded in the deposition of George L. Shoup. Second Lieutenant Henry H. Hewitt reported he rescued more than sixty ponies and mules from the Mexicans at Charles Antobe’s ranch. According to acting assistant quartermaster C. M. Cossitt’s testimony it was revealed that of about four hundred fifty ponies captured from the Indians, only three hundred twenty-seven were turned over to his department.⁷⁰ In order to cover the forty wounded soldiers, Dr. Caleb S. Birdsall, first assistant surgeon, stated that he detailed three or four men to assist him in procuring buffalo robes, “and when I arrived there the larger amount of soldiers . . . pitched in and got a large number of robes at the same time. . . I can’t tell the number I got . . . but I should think in the neighborhood of forty.” He continues by saying that Major Anthony asked him what had become of those robes that John Smith the trader had lost and when asked the

⁶⁵ *Sen. Ex. Doc.*, 39 Cong., 2 sess., II, 26, p. 49.

⁶⁶ *Ibid.*, 203.

⁶⁷ L. Meyer’s testimony that Captain Soule drank to excess after a battle was objected to by Lieutenant Colonel S. F. Tappan on the grounds that it was to blacken the record of an assassinated man. This statement was in turn objected to by Colonel Chivington.

⁶⁸ Officers named by Captain Soule as sharing the booty included: Lieutenants Antoby, Hardin, Baldwin, and Cannon; Captain Evans, and Major Anthony.

⁶⁹ *Sen. Ex. Doc.*, 39 Cong., 2 sess., II, 26, p. 176.

⁷⁰ *Ibid.*, 153. The remainder were confiscated by the officers and soldiers.

same question by Dr. Leas who "wanted to know what had become of two hundred robes I took, and that [the] government would have to pay twenty dollars apiece for them if they were not returned. I remarked wherever they could find any . . . robes to go and take them, as I had other business to attend to."⁷¹

While the investigation just reviewed was held behind closed doors, and was noticeably pock-marked with malice and hatred as the resultant out-growth of ill-feeling between the officers involved, the testimony accumulated was upheld in a subsequent investigation conducted by the Joint Special Committee in 1865, at the instigation of the United States Senate. In the report made by this Committee is the statement: "But the fact which gives such terrible force to the condemnation of the wholesale massacre of Arrapahoes and Cheyennes, by the Colorado troops under Colonel Chivington . . . was that those Indians were there encamped under the direction of our own officers, and believed themselves to be under the protection of our flag."⁷² This seems to be the crux of the affair. However, other motives and determining factors must be considered. The Plains Indians had not always lived in this region. They themselves were intruders and usurpers as recent as 1828. But the government recognized them as holders of this section in the Fort Laramie treaty of 1851. On the other hand the white settlers considered the Indians merely tenants-at-will like the buffalo and the antelope. Adopting this viewpoint, it is little wonder that the pioneer became the aggressor. This contention is supported by the inimitable Jim Bridger, who concurs with Kit Carson in the latter's remark that, "as a general thing the difficulties rise from aggressions on the part of the whites."⁷³ In relating to the war with the Cheyennes, Carson further says "I have heard it publically stated that the authorities of Colorado, expecting that their troops would be sent to the Potomac, determined to get up an Indian war, so that the

⁷¹ *Ibid.*, 203.

⁷² *Report of Joint Special Committee, Condition of Indian Tribes*, (Washington, 1867), p. 6.

⁷³ *Ibid.*, 5.

troops would be compelled to remain.”⁷⁴ Credence to the theory that they were victimized at Sand Creek is shown in the subsequent actions of the Arapaho and Cheyenne Indians. Rallying their depleted forces, they allied with the Sioux, Comanche, and Kiowa tribes and then struck at the white man with the relentless fury of berserk demons.⁷⁵ Major Wynkoop⁷⁶ says: “Since this last horrible murder by Chivington the country presents a scene of desolation; all communication is cut off with the States, except by sending bodies of troops, and already over one hundred whites have fallen as victims to the fearful vengeance of these betrayed Indians.”⁷⁷

In commenting on the results of this massacre, the Commissioner of Indian Affairs reported:

No one will be astonished that a war ensued which cost the government \$30,000,000 and carried conflagration and death to the border settlements. During the summer of 1865 no less than 8,000 troops were withdrawn from the effective force engaged in suppressing the rebellion to meet this Indian war. The result of the year's campaign . . . was useless and expensive. Fifteen or twenty Indians had been killed at an expense of more than a million dollars apiece, while hundreds of our soldiers had lost their lives, many of our border settlers had been butchered and much property destroyed.⁷⁸

Regardless of ethics, however, the fact remains that with relentless and unyielding certainty the age-old struggle, wherein the weaker must give way to the stronger, has operated just as surely with the Indian as with the buffalo.⁷⁹

⁷⁴ *Ibid.*, 96.

⁷⁵ One writer says that the settlers had done nothing to the Indians to merit murder, robbery and rape. That they had only taken land relinquished by the chiefs in treaties with the whites. Further, “when a woman is captured by a war-party she is the common property of all of them, each night, till they reach their village, when she becomes the special property of her individual captor, who may sell or gamble her away when he likes.” Dunn, *op. cit.*, 427.

⁷⁶ B. N. Forbes remarked in his testimony during the investigation that some said they had full confidence in Major Wynkoop when sober, but he was untrustworthy when drinking.

⁷⁷ *Sen. Ex. Doc.*, 39 Cong., 2 sess., II, 26, p. 124.

⁷⁸ *House Ex. Doc.*, 40 Cong., 2 sess., 97, p. 9.

⁷⁹ Mr. Wm. J. Mellor is a graduate student at the University of Oklahoma at Norman. He received the Bachelor of Arts degree from Northwestern State Teachers College in 1927 and a Master of Arts from Columbia University in 1934.

THE CHICKASAW THREAT TO FRENCH CONTROL OF THE MISSISSIPPI IN THE 1740's¹

By
NORMAN W. CALDWELL

The first approach of the French to the Mississippi Valley was from the north, and it was not until after 1717 when the settlements in the Illinois country were placed under Law's monopoly and consequently under the Louisiana *regime* that the Mississippi River assumed its place as the natural highway into the interior of the continent.² Each year there was sent up from New Orleans the government's convoy consisting of several large *batteaux*, each manned by a score or more men, a number of smaller boats called *pirogues*, carrying eight or nine men, and various craft belonging to private traders sent along with the convoy for protection. However, in times of quiet private convoys might make the journey alone. This yearly fleet carried up to the interior posts supplies for the soldiers, presents for the savages, and goods for the post and Indian trade. Soldiers accompanied the boats to guard against hostile Indian attacks, while negro slaves pulled the heavy boats against the current or cordelled them with ropes over the shoals and sand bars. Leaving New Orleans in August the party made its way slowly against the current, plagued by clouds of mosquitoes and attacks of dysentery. Sometimes a delay in the arrival of the King's supply ships might necessitate postponing the departure of the convoy as was the case in 1743 when the boats did not leave New Orleans until January of the following year. If all went well the Illinois settlements would be reached within

¹ This paper in abstraction was read before the history section of The Southwestern Social Science Association at the meeting in Oklahoma City on April 15, 1938, and is based on materials in the author's *The French in the West, 1740-1750*, a doctoral dissertation presented to the faculty in history of the Graduate School of the University of Illinois in 1936.

² The importance of this change of approach to the interior is discussed at length in the author's article "Shawneetown—A Chapter in the Indian History of Illinois" which will appear in an early issue of the *Journal of the Illinois State Historical Society*.

three months. The descent from the Illinois was usually begun in April, only a fortnight being required for the journey.³

Of all the difficulties encountered in communicating with the interior, the greatest was found in the danger from attacks by hostile savages who lurked along the shores of the great river ever ready to despoil the white men of their scalps and valuable goods. It is the purpose of this paper to discuss relations between the French and the various Indian tribes in this period with special emphasis on the Chickasaw and their threat to the Mississippi trade route. Using material from the *Archives Nationales* as well as from a recently discovered letter book containing numerous letters and despatches of Governor Vaudreuil and his officers and post commandants,⁴ we for the first time have material for an adequate understanding of this period so important to French hegemony in the Mississippi valley.

The chief southern tribes were the Creeks, the Catawba, the Cherokee, the Chickasaw, and the Choctaw.⁵ The most numerous of these were the Cherokee who were said to have had as many as 6000 warriors at this time. They were located in the region about the headwaters of the Tennessee River, and ranged as far east as the Carolinas and also down the Tennessee toward the Ohio. Although closely bound to the English, they were not of such fero-

³ For a contemporary account and description of the convoy see the *Journal of Antoine Bonnefoy* in Mereness, *Travels in the American Colonies*, 241 ff.

⁴ This collection is now in the Huntington Library. The letters exist as copies, not in the original form. Photostats of this material may be found in the Illinois Historical Survey at Urbana. Pierre Francois Rigaud de Cavagnol, Marquis de Vaudreuil, (1698-1793), was governor of Louisiana from 1743 to 1753, when he was appointed governor of all New France, which position he held until the end of the French regime.

⁵ Some of the southern tribes were often referred to by the French as the "Tetes Plates" or Flat Heads. The term is used in various places to include various tribes. Note the following: ". . . Cela pourrait faire prendre aux Chaouanons le parti de falloir aux les Tetes Plattes Cherakis, et Chicachas pour se vanger." Again, "The Cherakis, Chicachas, Totiris are included under the name of Flatheads by the Iroquois, . . .", *Doc. Rel. to the Col. Hist. of N. Y.*, IX, 1052-58. Hodge, *Handbook of American Indians*, applies the term to the Muskhogean (Creeks, Seminole, Choctaw, and Chickasaw), as well as to the Catawba and other southern tribes, but I do not find that the French in this period ever used the term in reference to the Choctaw. Nearly always they used it in reference to the Chickasaw or Cherokee. Pouchot describes the Flatheads as those tribes who " . . . have a forehead flat, and the upper part of the head elevated, because in infancy their heads are tied between two pieces of wood." *Memoir on the Late War*, II, 185.

cious and warlike spirit as the Chickasaw and others. Next came the Chickasaw who lived in the Yazoo country. Though once very powerful, they had lately been greatly reduced in numbers through wars with the French and their Indian allies, especially the Choctaw. In 1746, it was estimated that they had only 600 warriors left. Along the gulf region and ranging into the Alabama uplands were the Choctaw tribes,—able to muster 4000 warriors and “tres affectionee” to the French. Chiefly to the east of the Choctaw were located several tribes, among whom were the Alabama, the Abeka, and the Talapoucha, estimated to have altogether about 2000 fighting men; loosely attached to the French and allies of the Choctaw, they nevertheless were susceptible to English intrigue as we shall notice further on. At the mouth of the Arkansas River on the west bank of the Mississippi lived the Arkansas Indians, small in number, but much devoted to the French.⁶

Of all these tribes, the Chickasaw gave the French most trouble. Hereditary enemies of the Choctaw, they necessarily became the enemies of the allies of that nation, and being located near the upper Yazoo and the lower Tennessee, their raiding parties formed a spear point which threatened to sever the French line of communication with the Illinois. As early as 1721 La Harpe had recognized their threat to the safety of the water route and had recommended strengthening Arkansas Post for protecting it. In 1731 the Chickasaw had given asylum to the remnant of the Natchez, who were seeking a place of refuge from the attempts of the French to exterminate them. Again, in 1736 they had disastrously defeated the French when the latter had attempted to conquer them. The defeat and death of the young Dartaguet in that year, and the subsequent defeat and discomfiture of Bienville⁷ himself left the French smarting for revenge. The Louisiana Governor had much at stake, his reputation having suffered by such a defeat, due, as many claimed, to his slowness of movement, and his con-

⁶ Most of the above information on these tribes is taken from the *Memoire sur L'Etat de la Colonie de la Louisiane en 1746* in *Archives Nationales, Colonies*, C13A, 30:259-260. See also Pouchot, *op. cit.*, II, 259 ff.

⁷ Jean Baptist le Moyne, Sieur de Bienville, (1680-1768), was founder of Louisiana with Iberville, his brother, and governor of that province, 1702-1704; 1718-1724; 1733-1743.

sequent failure to contact the Illinois officer at the time agreed upon. So, Bienville, anxious to remove such a stain from his long record of service, planned to make a new campaign as soon as possible. In the meantime the Chickasaw were being harassed from the north and from the south by the French Indian allies.

Early in 1738, Bienville found the Choctaw and their allies growing weary of the war, and it was rumored that they had begun to negotiate with the Chickasaw for a cessation of hostilities. To checkmate this movement the Governor planned to renew the struggle in the following year by collecting an overwhelming force of French and Indians which would finally crush the Chickasaw power. Assured of troops from France for this undertaking, he also got the Canadian Governor to gather a large force of both French and savages.⁸ The rendezvous agreed upon was at Fort L'Assomption on the Mississippi and the time fixed as the autumn of 1739.⁹

By June, 1739, the Canadians were ready; the expedition under the command of Baron Longueuil left in that month for Lake Erie. Second in command was the Sieur de Celoron, commandant at Michilimakinac, who had brought down to Montreal a large force of Ottawa and Nepissing.¹⁰ The entire Canadian force numbered 442 men. In passing by the south shore of Lake Ontario, however, about seventy of the Abenaki and some of the Iroquois, influenced by brandy procured at Oswego, deserted.¹¹ Additional

⁸ Beauharnois to Minister, Quebec, Sept. 22, 1738, *Arch. Nat., Col.*, C11A, 69: 96-97.

⁹ This fort, the successor to old Fort Prudhomme, was located on the Memphis Bluffs at the mouth of Wolf River and was built during this campaign. Another fort was built near the mouth of the St. Francis River during this campaign. Both were destroyed in 1740 by the French.

¹⁰ Beauharnois to Minister, Montreal, June 30, 1739, *Arch. Nat., Col.*, C11A, 71: 36-36v. The source for the personnel of the expedition is the expense accounts in *Arch. Nat., Col.*, C11A, 71: 151 ff. Paul Joseph le Moyne, Baron de Longueuil, (1701-1778), was a brother of Iberville and Bienville. Pierre Joseph Celoron, Sieur de Blainville or Bienville, (1693-1759), was a distinguished French officer chiefly noted for his expedition into the Ohio valley in 1749.

¹¹ The route by the south shore of Lake Ontario was taken to save time. It was much shorter than the northern route notwithstanding which the French rarely used it. The reason for this was that the English post at Oswego lay on this route. It was the policy in issuing trading *conges* to stipulate that the northern route was to be selected, this to keep the traders away from the English post.

Indians to replace these were probably enlisted as the expedition made its way down the Ohio river. Leaving Lake Erie early in August, the expedition made its way over the portage to the headwaters of the Allegheny and thence down to the Ohio over the same route to be followed by Celoron's Ohio expedition a decade later. Thus set forth the Canadian party for revenge on the Chickasaw, the Cadet de Richarville who had been with Dartaguet on the disastrous campaign of 1736 accompanying the expedition with a special taste for that revenge.¹²

Bienville, after a very late start, left New Orleans in the middle of September with over a hundred French and Swiss soldiers and about eighty negroes.¹³ Misfortune dogged him from the start. By the time he had reached the settlement at *La Pointe Coupée*, a score or more of the men were sick, and the number increased as they advanced. Including delays at Natchez and at the Arkansas Post where several days were spent trading while heavy rains fell, it was November 13 when they reached the rendezvous. Longueuil and his force had arrived some time before. There, too, was La Buissonnière, the Illinois commandant, with his force of thirty-eight soldiers, forty-eight *habitants*, and two hundred savages. Bienville estimated the number of savages with Longueuil and others not counting this group from the Illinois at 550. The Governor found these savages impatient with the long delay, and he promised them that they should proceed against the enemy within three weeks. There had also been sent from the Illinois about one hundred and fifty head of cattle and fifty horses, while more horses were gathered from the settlements below. Flour and bacon were also sent from the Illinois.

From the beginning Bienville showed indecision and lack of ability to plan a campaign. The force having been collected, the supplies were not all at hand, and the horses upon which the trans-

¹² Hocquart to Minister, Sept. 30, 1739, *Arch. Nat., Col.*, C11A, 69: 236-239.

¹³ A force of French regulars had been sent over, consisting of four regular companies according to Alvord. A part of these had already ascended the river, having reached Fort L'Assomption in August according to Le Page du Pratz. See his *Histoire de la Louisiane*, III, 420-421. Bienville gives the total number of French soldiers as 800.

port depended were either not yet arrived or else were starving for want of forage. Then, too, no plan of advance had been formed beforehand, and a force had to be sent out to lay out routes of transport into the Yazoo valley, which was flooded by the prevailing heavy rains. The weather continued to grow worse as the season advanced, and the sick list also increased. Worse than this, the men grew restless with inaction. When a drunk Canadian killed a Pottawatomi chief, serious trouble was narrowly averted. The lack of transport was ever the cause of the daily procrastination on the part of the leader. To carry food and military supplies for over a thousand French and negroes, not counting the Indian allies, was no easy task. Then, too, there was the artillery which Bienville had brought along to make a special impression on the Chickasaw.

At this juncture, Bienville seems to have concluded that negotiations would be a better way to end the war than making a campaign. By a party sent out in January under Céloron, he offered the enemy terms, seeking at the same time some knowledge of the terrain. The terms were briefly those which had been discussed at Mobile five years before,—that the Chickasaw were to agree to surrender or kill all the Natchez among them, and accept an alliance with the French. The Chickasaw naturally did not accept the French offer.

Late in January, Bienville made a half-hearted attempt to move forward in the midst of snow and rain. On the third day of the advance, a council was held, and it was decided to retreat, since the lack of transport did not allow the main force to move farther. The increasing desertion of the Indian allies made this decision the more imperative. However, Celoron and St. Pierre¹⁴ with some one hundred and fifty Canadians and as many savages went ahead into the Chickasaw country to attempt to make some stroke that would bring the enemy to terms. Leaving early in February, they pushed far into the Yazoo lands, and although there were one or two sharp skirmishes with the enemy, he could not be drawn into any important engagement. After conferences with some of the

¹⁴ St. Pierre was an able French officer who commanded the post at River St. Joseph.

Chickasaw chiefs, Celoron also withdrew and followed the route of his deserting Indian allies back to his base.

Bienville in the meantime had sent back to New Orleans over a hundred officers and men, and most of the remaining negroes. Early in March, Céloron returned with a few prisoners and some Natchez whom the Chickasaw had delivered him. He had the promise of the enemy to make further deliveries and to treat in detail with the governor. From then until the first of April, Bienville negotiated with a few other Chickasaw chiefs who came to him at different times, seemingly having satisfied himself that these represented the will of their nation. They delivered a few of the Natchez and made promises of delivering the others. The army now broke up; the Canadians returned by the Illinois route, and Bienville and the remainder of his force dropped down the river to New Orleans, reaching that place on April 9.¹⁵

In the light of controversies that later arose, we would be glad to know more of Bienville's conferences with the Chickasaw before he left Ft. L'Assomption. Four Englishmen who came with the Chickasaw supposedly to recover some horses they claimed the French Indian allies had taken or stolen, seem to have come as observers of the negotiations. Having been seized by Bienville, they were eventually sent to France.¹⁶ Bienville as he withdrew burned both Ft. L'Assomption and Ft. St. Francis, acts which seem rather inexplicable unless he felt very certain that the peace he had made was to be a lasting one.¹⁷

The campaign over, the blame for its failure had to be fixed. Bienville was prone to blame the poor military showing to the conduct of the Canadian Indians, expressly that of the Iroquois, whom he accused of being full of pride and drunkenness. In answer to this, Hocquart made a very convincing statement when

¹⁵ The sources for this expedition are Bienville's *Journal* as printed in *Quebec Archives Report*, 1922-23, 166 ff., and the journal Celoron's last expedition, in *Ibid.*, 157 ff. The two accounts show serious discrepancies in places.

¹⁶ Memoir of 1740, Oct. 31 —, *Arch Nat., Col.*, C13A, 25: 131-132; Salmon to Minister, June 28, 1740, *Ibid.*, C13A, 25: 184-184v.

¹⁷ Beauharnois to Minister, Oct. 7, 1740, *Ibid.*, C11A, 74: 34-45; same to same, Oct. 11, 1740, *Ibid.*, C11A, 74: 48-49.

he said: "*C'est beaucoup de les avoir contenus pendant cinq mois sans rien faire.*"¹⁸ M. Salmon sought to throw the blame on Céloron for entering into peace negotiations just as he was joined by a large force of Choctaw eager for action. He further blamed the Canadians for having sent the cattle and horses which had come from the Illinois some twenty-five leagues below the place of rendezvous, where they suffered for lack of forage, and from which place they had to be removed with considerable loss in December weather.¹⁹ Another Louisiana officer blamed the lateness of the campaign to the tardy arrival of the troops from France, the ships having reached New Orleans in the summer, which, added to the fatigues of the journey, had put a large number of the men out of condition to undertake a campaign immediately. Supplies which should have been sent up to the rendezvous ahead of the troops were also delayed unnecessarily.²⁰ De Noailles, who commanded the forces sent from France, blamed Bienville for his lack of information on the terrain over which the campaign was waged. He also claimed that he had begged the governor to postpone the movement until spring on account of the floods prevailing in the Yazoo country.²¹

The matter finally simmered down to a controversy between the officials of Canada and Louisiana, each trying to blame the other for the fiasco, and each holding different views of the durability of the peace made with the Chickasaw. Neither side hesitated to recommend their officers who had taken part in the campaign for their "distinguished service,"²² and each side, defending themselves, sought to disparage the other.

Bienville admitted the peace was not so glorious as a victory of *eclat* would have been, but he argued it would be advantageous

¹⁸ Hocquart to Minister, Quebec, July 6, 1740, *Quebec Arch. Rep.*, 1922-23, 188. Gilles Hocquart was intendant of Canada, 1728-1748.

¹⁹ Salmon to Minister, May 4, 1740, *Arch. Nat., Col.*, C13A, 25: 159-164. Edme Gatien Salmon was intendant of Louisiana.

²⁰ Loubois to Minister, New Orleans, May 10, 1740, *Ibid.*, C13A, 25: 222-225.

²¹ De Noailles to Minister, Brest, Mar. 17, 1741, *Archives Nationales, Marine*, B, 4, 50: 290-291.

²² Longueuil to Minister, April, 1741, *Arch. Nat., Col.*, C11A, 76: 255-255v; Salmon to Minister, July 1, 1740, *Ibid.*, C13A, 25: 195-195v.

to the colony which needed rest.²³ Nevertheless, there were those in Louisiana as well as in Canada who could not understand how peace with the Chickasaw was to fit in with French policy toward the Choctaw which had always been one of keeping the latter at war with the former. Then, too, had not the French just previously refused to allow the Choctaw and their allies to make peace with the Chickasaw?²⁴ In Canada, the consensus of opinion was that Bienville had made peace with the Chickasaw only to veil his own defeat,²⁵ while some would put it in stronger terms than this.²⁶ Father Mercier, writing from the Illinois, dubbed it a "*pretendue paix*."²⁷

But more serious than these criticisms were those which came from the Minister, especially when the expense accounts of the campaign came in. Canada had spent over 136,000 livres²⁸ and the expenditures made in Louisiana totalled over 830,000.²⁹ Bienville's attempts to explain away the huge consumptions of food, drink, and materials, could not quiet the Minister's insistence that corruption had existed.³⁰ It was further alleged that the news of the inability of the French forces to chastise the Chickasaw had reacted so unfavorably in France that merchants no longer had any desire to invest in the exploitation and development of the colony's trade, fearing for the safety of their investments.³¹ In the face of

²³ Beauharnois to Minister, May 11, 1740, Cadillac Papers, *Mich. Pion. and Hist. Coll.*, 34, 169.

²⁴ Loubois to Minister, New Orleans, May 10, 1740, *Arch. Nat., Col.*, C13A, 25: 222-225.

²⁵ Hocquart to Minister, Sept. 28, 1740, *Ibid.*, C11A, 73: 105-109.

²⁶ Father Nau to Madame Aulneau, Sault St. Louis, Oct. 2, 1740, *Quebec Arch. Rep.*, 1926-27, 314.

²⁷ Father Mercier to —, Tamaroa Mission, May 27, 1741, *Arch. Nat., Col.*, C11A, 75: 214-214v.

²⁸ Minister to Hocquart, Marly, Apr. 27, 1741, *Arch. Nat., Col.*, B, 72: 369-369v.

²⁹ Noted in Surrey, *The Commerce of Louisiana*, 129-130.

³⁰ A fifth part of the slaves of the colony were levied for use on the convoys on the river. This alone must have meant over 800 men. Bienville and Salmon to Minister, June 24, 1740, *Arch. Nat., Col.*, C13A, 25: 9-16v; Minister to Bienville and Salmon, Fontainebleau, Oct. 28, 1740, *Ibid.*, B, 70, 472-473v. The Minister took the stand that the Louisiana officials should shoulder all the blame for the failure of the campaign. The heavy financial outlays in Louisiana, mostly in the form of bills of credit, caused a serious derangement in the finances of the colony.

³¹ Minister to Bienville and Salmon, Fontainebleau, Oct. 28, 1740, *Ibid.*, B, 70: 472-473v; Minister to Bienville, Versailles, Jan. 19, 1742, *Ibid.*, B, 74: 622-623v.

all this criticism, Bienville asked to be recalled from the field of his forty years of service.³²

Time was soon to prove the peace Bienville had made, and the governor had scarcely returned to New Orleans when news came of a raid on a trading convoy on the Mississippi near the Illinois. Of twelve *voyageurs*, six negroes, and ten Indians in the party, only nine were saved.³³ This affair caused great uneasiness in the Illinois country, and fears for the safety of the convoy for that year were entertained.³⁴ At about the same time, the Illinois Indians were raided by a tribe thought to be Chickasaw or Cherokee, and several were taken or killed.³⁵ Shortly afterward, a Canadian trading convoy returning from the Illinois, consisting of five *pirogues*, was attacked on the Ohio near the mouth of the Tennessee with the loss of all the boats and cargoes and eighteen lives, including those of a woman and two children. Only eight escaped, four of these being badly wounded.³⁶

The following year brought other attacks of equal fury. In September, 1741, raids were made near *La Pointe Coupée* by Natchez or Chickasaw.³⁷ A month later a *pirogue* with ten men was lost on the Mississippi near the mouth of the Ohio.³⁸ Even the

³² Bienville to Minister, June 18, 1740, New Orleans, *Ibid.*, C13A, 25: 112-113v.

³³ Bienville to Minister, New Orleans, June 18, 1740, *Arch. Nat., Col.*, C13A, 25: 109-111; Loubois to Minister, New Orleans, June 29, 1740, *Ibid.*, 240-241; La Loere Flaucourt to Minister, Illinois, 1740, *Ibid.*, C13A, 26: 192-192v. The scene of this attack, described as being twelve leagues above the mouth of the Ohio, must have been in the vicinity of the present little village of Thebes, Illinois.

³⁴ Benoist de St. Clair to Salmon, Illinois, July 28, 1740, *Ibid.*, C13A, 26: 190-191.

³⁵ Beauharnois to Minister, Quebec, Oct. 11, 1740, *Ibid.*, C11A, 74: 48-49.

³⁶ Benoist de St. Clair to Salmon, Illinois, Dec. 7, 1740, *Ibid.*, C13A, 26: 143-144; De Beauchamp to Minister, Apr. 25, 1741, *Ibid.*, 206-209v; Bienville to Minister, New Orleans, Apr. 30, 1741, *Ibid.*, 81-87. The casualty list given above was sent by St. Vincent and confirmed by La Buissonniere just before his death.

³⁷ Bienville to Minister, New Orleans, Sept. 30, 1741, *Ibid.*, 97-106. The Natchez at this time were supposed to be leaving the Chickasaw among whom they had taken refuge in 1731. A chance meeting of a band of Miami and a group of Natchez on the Tennessee in the summer of 1741, resulted in the capture of the Natchez band, which was made up of seven *pirogues* of women and children. Bienville to Minister, New Orleans, Sept. 30, 1741, *Arch. Nat., Col.*, C13A, 26: 97-106; De Beauchamp to Minister, Sept. 18, 1741, *Ibid.*, 210-213.

³⁸ Hocquart to Minister, Quebec, June 11, 1742, *Ibid.*, C11A, 77: 277-283; Beauharnois to Minister, Quebec, Sept. 24, 1742, *Ibid.*, 108-112v. This happened at the place called the Iron Mine on the Kentucky shore, just below the mouth of the Ohio.

government's convoy was not spared, two of its boats being attacked, one of which was lost with its crew of eight.³⁹

Bienville was loath to grant that these raids had been committed by the Chickasaw with whom he had made peace, and he alleged that if by chance they were implicated it was only to avenge themselves for the attacks made upon them by the Canadians and the northern Indians as they returned from the campaign of 1739-1740.⁴⁰ But the Canadians who had had no faith in Bienville's peace from the beginning saw in these new raids full justification of their belief, and so continued the war on the Chickasaw.⁴¹ Bienville in the face of all this continued to defend his peace stoutly, though he admitted it would be bad policy to extend it to the Choctaw for fear that the English in time of peace would inevitably extend their influence into that nation.⁴² So, the old governor in self defense set about to prove that the peace he had made with the enemy was a real thing. This battle he fought almost alone, for the proof of the innocence of the Chickasaw was something most men did not care to consider. Nearly every officer in Louisiana as well as in Canada, was convinced that the Chickasaw were guilty of breaking the peace, or else that they had never entered into it as a nation in the first place.⁴³

³⁹ The scene of this attack was at the site of the modern Cairo, Illinois, and it occurred on Nov. 15, 1741. Of the two boats attacked, one fled to safety. See *Journal of Antoine Bonnefoy* in Mereness, *Travels in the American Colonies*, 241 ff.

⁴⁰ The Canadian Indians returning from the campaign of 1739-1740 attacked certain parties of Chickasaw whom they encountered. Though the Canadians claimed these were war parties, Bienville maintained they were only hunters. See *Memoir on Indians*, Apr., 1740, *Wisc. Hist. Coll.*, XVII, 335-336; Salmon to Minister, May 4, 1740, *Arch. Nat., Col.*, C13A, 25: 159-164v; Bienville to Minister, Apr. 30, 1740, *Ibid.*, C13A, 26: 81-87; same to same, Sept. 30, 1741, *Ibid.*, 97-106.

⁴¹ Hocquart to Minister, Quebec, Oct. 31, 1741, *Ibid.*, C11A, 75: 329-334.

⁴² Bienville to Minister, New Orleans, Sept. 30, 1741, *Arch. Nat., Col.*, C13A, 26: 97-106. In another place Bienville said: "As to the solidity of the peace with the *Chicachas*, I have always thought . . . that it will be as good as it could be upon the word of the Savages. . . The situation of this nation engages it to remain quiet; I do not believe, however, that it is yet convenient to stop the raids of the *Chactas*." See Bienville to Minister, New Orleans, Apr. 30, 1741, *Ibid.*, 81-87.

⁴³ The intendant, Salmon, was perhaps Bienville's chief opponent in this matter in keeping with his controversial nature. In October, 1741, he wrote the Minister, attributing all the trouble to the Chickasaw, and accusing Bienville of trying to force him to believe otherwise. Salmon to Minister, New Orleans, Oct. 4, 1741, *Ibid.*, 170-171v. For the attitude of lower officials such as Loubois, see Loubois to Minister, Oct. 2, 1741, *Ibid.*, 199-200. The reader of the documents is also almost convinced that the Governor was only trying to cover up his own disgrace, until the actual situation is brought to light and it is seen that he was partly right in the matter.

At last things began to turn in Bienville's favor. In August, 1741, D'Ernéville, the commandant at the Alabama post, held a conference with some Choctaw chiefs. To this conference came also one of the same Chickasaw chiefs who had treated with Bienville at Ft. L'Assomption in 1740. He had with him some twenty other chiefs of his nation, and his request was that Bienville fulfil his promises made at Ft. L'Assomption to stop the Canadian nations from their attacks against his people. This chief further alleged that the Chickasaw were not guilty of the raids on the French convoys, especially that one on the Ohio in 1740, unless renegade Chickasaw might have taken part in them.⁴⁴ Bienville had already learned that the Cherokee were guilty of the attack upon Turpin's *voyageurs* in May, 1740.⁴⁵ In the case of the raid on the convoy in November, 1741, even Salmon had to own that the Chickasaw may not have been the guilty ones; and D'Ernéville from the Alabama post confirmed that the Cherokee had been sending parties toward the Mississippi and Ohio.⁴⁶

By way of further justification of himself, Bienville also showed that much of the loss of the convoys which had been attacked had been due to carelessness and lack of discipline on the part of those charged with the commands.⁴⁷ These facts were brought to light along with others still more convincing when two prisoners escaped from the Cherokee arrived in Louisiana in 1742. These men testified that they had seen among that nation

⁴⁴ Bienville to Minister, New Orleans, Sept. 30, 1741, *Arch. Nat., Col.*, C13A, 26: 97-106. For the arguments of the Canadians to the contrary, see Extract of Letters of Commandants, etc., *Ibid.*, F3, 24: 315-316v.

⁴⁵ Bienville to Minister, June 27, 1740, New Orleans, *Ibid.*, C13A, 25: 124-124v. This act was disowned also by the Chickasaw, acting through the Alabama. Minister to De Beauchamp, Oct. 6, 1741, *Ibid.*, B, 72: 479-479v. Bienville had collected information from the Illinois, the Arkansas, and the Alabama to prove his contention. Bienville to Minister, Mar. 7, 1741, *Ibid.*, C13A, 26: 55-60.

⁴⁶ Salmon had written De Beauchamp in November, 1740, that he had changed his mind. See De Beauchamp to Salmon, Dec. 13, 1740, *Ibid.*, C13A, 252-56. See also Salmon to Minister, Feb. 13, 1742, *Ibid.*, C13A, 27: 91-92v; Bienville to Minister, Feb. 18, 1742, *Ibid.*, 38-42v. The prospect of the Cherokee taking up the hatchet against the French was not a welcome one to the Louisiana officials. Minister to Vaudreuil, Versailles, Oct. 27, 1742, *Ibid.*, B, 74: 660-660v.

⁴⁷ Bienville to Minister, Apr. 30, 1741, *Arch. Nat., Col.*, C13A, 26: 81-87. See also Coussot's *Declaration*, Dec. 3, 1742, in *Ibid.*, C13A, 27: 182-183v; Loubois to Minister, New Orleans, June 23, 1740, *Ibid.*, C13A, 25: 236-239. Stories of bad discipline as well as of corruption in the administration of the convoys were common.

captives taken in three of the raids made on the French convoys in 1740-1741. This evidence of the guilt of the Cherokee was so convincing that the opponents of the Governor were silenced.⁴⁸

The news that the Cherokee were making raids on the French at once brought the latter face to face with a new Indian menace, and the situation seemed to demand immediate attention. It was learned that new attacks were threatened, both in the direction of the Wea post and on the Mississippi.⁴⁹ Bienville strongly urged that the northern Indians make peace with the Cherokee, since this seemed to be their chief demand.⁵⁰ But Beauharnois continued to consider the Cherokee, Chickasaw, and Natchez as common enemies, and continued to harass them as per the Minister's orders.⁵¹ Bienville was only relieved of his impossible situation in 1743 with the arrival of Vaudreuil, his successor in the governorship.⁵²

The years 1741 and 1742 had seen great activity against the Chickasaw, especially on the part of the Canadians. In 1741 several hundred warriors composed of the Mississague, Ottawa and Pottawatomi of Detroit as well as some Huron went out, while Michilimakinac sent the Ottawa, and the River St. Joseph and Wea posts sent out Kickapoo, Miami, Mascoutin and Pottawatomi.⁵³ The following year large numbers went out, chiefly from Detroit and the Miami Post, over two hundred warriors being rationed at

⁴⁸ *Journal of Antoine Bonnefoy*, in Mereness, *op. cit.*, 241 ff. Also Coussot's *Declaration* as above; Bienville to Minister, New Orleans, June 27, 1742, *Arch. Nat., Col.*, C13A, 27: 36-37; Loubois to Minister, Mobile, June 12, 1742, *Ibid.*, 139-141.

⁴⁹ Coussot's *Declaration*, Dec. 3, 1742, *Ibid.*, 182-183v.

⁵⁰ Bienville to Minister, Aug. 5, 1742, *Ibid.*, 87-89.

⁵¹ Beauharnois to Minister, Quebec, Oct. 12, 1742, *Ibid.*, C11E, 16: 257-265v; Minister to Beauharnois, Marly, May 6, 1741, *Ibid.*, B, 72: 373-374. Hocquart even toyed with the scheme to exterminate the Chickasaw by putting a very high price on their scalps and paying a heavy bounty for prisoners. Hocquart to Minister, Quebec, Oct. 3, 1741, *Arch. Nat., Col.*, C11A, 75: 329-334.

⁵² Vaudreuil arrived to succeed Bienville on May 10, 1743.

⁵³ This information is compiled from a study of the expense accounts of the western posts for these years. According to one journal over 600 men went out in six months in 1741. Only sixty prisoners and scalps were secured by these, however. Beauharnois to Minister, Sept. 24, 1742, *Ibid.*, C11A, 77: 108-112v. The River St. Joseph Post was located near the present Niles, Michigan; the Wea Post near present Lafayette, Indiana. Near by at the present Ft. Wayne, Indiana, was the Miami Post.

the latter place alone. After 1742, the parties dwindled in number, there being few parties sent out during the latter years of the decade. We shall note the campaigns of the Choctaw against the Chickasaw below.

Throughout the struggle, the English machinated with the Cherokee and Chickasaw, now urging them to fight, now urging them to make peace, as it best suited their interests in opposition to the French. English subsidies in trade and military assistance played an important part in sustaining the Chickasaw resistance.⁵⁴ In order to extend their control over the Cherokee, the English succeeded in making peace between that nation and the Creeks in 1741, and sought to extend this peace to other nations, French as well as British.⁵⁵ But attempts to get the Six Nations to bury the hatchet with the Cherokee failed, after rosy promises. When the latter sent a large deputation to the Onondaga to seek peace, these under the influence of the French Indian agent, M. Joncaire, fell upon the Cherokee, killing many of them and putting the others to flight.⁵⁶ The situation remained in a practical *status quo* with the French policy of attrition gradually exterminating the Chickasaw.

In the Illinois, the Chickasaw war had reverberations that developed into a threatened revolt against the French. It was a peculiar reaction to a French defeat or failure, mixed with the usual intrigues of the English. In May, 1741, Father Mercier wrote: "The failure of M. de Bienville's army against the Chickasaw has strangely indisposed our domiciled savages against us, and I really do not see why they don't rise up at once."⁵⁷ A year later, this fear seemed likely to materialize. A Kaskaskia Indian who had gone to Oswego had been told that "the Frenchman is a dog who devours you. He has only bad merchandise and he sells

⁵⁴ For the English penetration into the Cherokee, see Bonnefoy's *Journal* in Mereness, *op. cit.*, 246 ff.

⁵⁵ Oglethorpe to Clarke, Frederica, July 12, 1741, *Doc. Rel. to the Col. Hist. of N. Y.*, VI, 211-212.

⁵⁶ Bull to Clarke, Charlestown, June —, 1741, *Ibid.*, 210; Canadian Memoir on Indians, Apr., 1741, *Arch. Nat., Col.*, C11A, 76: 315-317v.

⁵⁷ Father Mercier to —, Tamaroa Mission, May 27, 1741, *Ibid.*, C11A, 75: 214-214v.

it very dearly." Trade with the English seemed so attractive that others would have gone there, but the French dissuaded them by telling them that there was an epidemic sickness among the English.

Later some Chickasaw visited a Kaskaskia chief who was pleased with their promise to bring English traders to the Illinois to trade with the savages. The Cahokia also became interested in this. M. Benoist grew more suspicious when Iron Collar, a Kaskaskia chief, wanted to lead a war party to attack some Indians on the Missouri who were allies of the French, and also when he refused to go against the Chickasaw. Cat Face, another chief, openly boasted he would assist the Chickasaw, provided they would furnish him powder.⁵⁸ In addition to these things, two incidents which occurred at this time served to confirm French fears of an Indian uprising and to increase their apprehension that the English were contemplating founding settlements in the Ohio valley. One of these was the mistreatment of two Frenchmen by the Miami and Wea, and the other was the capture of four Englishmen and a German on the Mississippi.

Two Frenchmen, fleeing from Chickasaw captivity, were picked up by a party of Miami and Pottawatomi of River St. Joseph. Having been conducted to the Wea post, these men were not delivered to the French, but were treated as slaves and made to dance with collars about their necks. St. Vincent, the commandant at the post, got them released only with difficulty, the chiefs acting at their own pleasure, and then insisting on delivering one of the prisoners to St. Pierre at River St. Joseph, instead of giving them both up to St. Vincent.⁵⁹ This affair did much to arouse French suspicion, coming as it did at such a time.

⁵⁸ See *Arch. Nat., Col.*, C13A, 27: 85-86v. Benoist de St. Clair commanded at the Illinois, 1740-1743; 1749-1751.

⁵⁹ Beauharnois to Minister, Quebec, Oct. 12, 1742, *Ibid.*, C11A, 16: 257; 265v. Bienville hinted that the Wea may have made some of the raids on the French convoys in 1740-1741. Bienville to Minister, New Orleans, Feb. 4, 1743, *Ibid.*, C13A, 28: 33-33v. This party of Miami arriving with the two Frenchmen was rationed at the Miami post on June 18, 1742, *Arch. Nat., Col.*, C11A, 76: 186-187. Henry Albert de St. Vincent, Sieur de Narcy, later signed the capitulation of Quebec. These Frenchmen who were mistreated were Louisianans, and the Indians who abused them pled that the Canadian governor had told them to treat the Louisianans as enemies. We do know that Canadians and Louisianans did not like each other. Sectionalism was developing this early!

The other affair was even more serious. As the Illinois convoy was returning to New Orleans in the spring of 1742, it overtook, some thirty leagues above the Natchez, four Englishmen and a German in two canoes. Having been conducted to New Orleans, these men were tried by both the civil and the military authorities, and found guilty of having set out to explore the rivers and to reconnoiter the country for the extension of English settlements. First condemned to be sent to the Spanish mines, they were nevertheless held in prison for over two years at New Orleans. In 1744 two of them escaped, shortly after which the others were put on board one of the King's vessels bound for France. This vessel fell in with an English cruiser at sea and was taken, so that the prisoners again came into English hands. This affair greatly increased French apprehension that the English were intending to make settlements in the Ohio Valley, this expedition being viewed as the preliminary step to such an undertaking. Here too, the French saw the cooperation of the dissatisfied Indians with the English.⁶⁰

Convinced by all these things of an impending revolt, the Sieur Benoist made plans to check the movement. He informed the commanders at the Wea, the Wabash, and River St. Joseph as well as at Detroit of the state of affairs, and asked that they send their war parties going against the Chickasaw by way of the Illinois, so as to intimidate the Illinois tribes. Benoist also held the Illinois convoy for some time, fearing it would be attacked on the way

⁶⁰ For an account of this affair, see Bienville to Minister, New Orleans, July 30, 1742, *Ibid.*, C13A, 27: 83-84; Loubois to Minister, Mobile, Aug. 2, 1743, *Ibid.*, C13A, 28: 158v-159. The petition of Heyward, the leader of the party, to the English king asking for their release, dated June 21, 1743, is printed in the *Louisiana Hist. Quart.*, V, 3, 321-322. The journal of John Peter Salling, the German who was with Heyward, is also printed in the same, 323-332. Historians have doubted somewhat the authenticity of this document. Bienville and Salmon hardly knew what to do with these men. Sending them to the Mexican mines would have involved a strong escort. For this reason they were left in prison. Bienville and Salmon to Minister, Feb. 6, 1743, *Arch. Nat., Col.*, C13A, 28: 6-6v. Vaudreuil who became governor in 1743 inherited the problem. He was afraid to send them back to their homes for fear their knowledge of the secrets of the French colony would be a great asset to the English in time of war. Vaudreuil to Minister, New Orleans, July 28, 1743, *Ibid.*, 71-72. The problem was finally solved by the escape of the two prisoners in 1744, and the loss of the others as they were on the *Elephant* on their way to France in 1746. Vaudreuil and LeNormand to Minister, Jan. 4, 1745, *Ibid.*, 29: 5v; Vaudreuil to Minister, New Orleans, April 8, 1747, *Ibid.*, 31: 52-52v.

down the river. Beauharnois, too, was full of fears, and imagined revolt as spreading beyond the Illinois to Detroit and other posts. He even considered arousing the Sac and Foxes against the Illinois Indians, in order to bring them to terms.⁶¹

The revolt, however, did not materialize, and perhaps it is not too much to say that Sieur Benoist's fears were ill-founded, especially since new raids on the Illinois Indians by the Cherokee or Chickasaw in the winter of 1742 seemed to exonerate the former from complicity of alliance with the southern Indians.⁶² The convoy going up in 1742 found all quiet along the route, and the Illinois Indians had by this time returned to the war against the Chickasaw, thus again putting the French at ease in the Illinois.⁶³

Meanwhile the French had been urging the Choctaw to continue the war with the Chickasaw. In 1740 Governor Bienville met the Choctaw in conference and encouraged them to carry on, promising to pay for scalps as usual, and to furnish ammunition and supplies. He especially encouraged the policy of taking the horses of the enemy in order to cripple their trade with the English. In the following year, some 700 Choctaw went out and returned with about one hundred captured horses, very many of which belonged to English traders. The next year this was repeated, the Choctaw claiming to have killed or captured one hundred and eighty horses as well as having destroyed much corn in the fields. Bienville reported this year that fifty-four of the Chickasaw had been killed or taken. Letters taken from the English traders showed that these blows had practically ruined their trade in that

⁶¹ Beauharnois to Minister, Oct. 12, 1742, *Ibid.*, C11E, 16: 257-265v. Gayarre, in his *History of Louisiana*, I, 523, speaks of some English traders being taken in the Illinois at this time and of their being sentenced to serve in the Mexican mines. It would appear that the writer has confused this with Heyward's party. Benoist released the convoy again after a few days and this convoy was the one which picked up the Heyward party. Bienville to Minister, New Orleans, July 30, 1742, *Ibid.*, C13A, 27: 81-83. Charles, Marquis de Beauharnois, (1670-1749), was governor of Canada, 1746-1747.

⁶² Vaudreuil to Minister, July 18, 1743, *Ibid.*, C13A, 28: 52-53.

⁶³ Beauharnois to Minister, Sept. 17, 1743, *Ibid.*, C11A, 79: 113v-114; Bienville to Minister, New Orleans, Feb. 4, 1743, *Ibid.*, C13A, 28: 32v-33; Minister to Salmon, Jan. 13, 1744, *Ibid.*, B, 78: 452 ff.

region.⁶⁴ These successes led Bienville to believe that the Chickasaw power was finally broken, and it was generally believed that the remnant of that fierce tribe would move toward the Carolinas, a move which would have been welcome to the French. Beauharnois, on his part, continued to harass them with his Indians,⁶⁵ though not with the success Bienville was having from the south.

Harassed from both sides, the Chickasaw soon took the course of trying to make peace with their Indian enemies, being encouraged in this, of course, by the English. They first approached the Alabama and Abeka, and Vaudreuil, aware of their movements as early as August, 1743, sought to counter their moves in this direction.⁶⁶ Shortly afterward, he himself became interested in the idea; hoping he might direct the negotiations, he gave the commandant at the Alabama post the terms upon which he would make peace. He demanded that the Choctaw be included in the peace, that they have satisfaction for the wrongs of the past, and that the Chickasaw drive the English traders from their villages. He on his part promised to build a fort in the Chickasaw country and to set up storehouses which would supply their needs. If they should refuse these terms, he threatened to harass them worse than before.⁶⁷

We are assured, however, that Vaudreuil did not enter this negotiation without suspicions of the sincerity of the Chickasaw, especially since they had been implicated in a new raid on the Mississippi that spring in which another boat had been lost.⁶⁸ News also began to leak out that the influence of the English in the peace movement was very great and that they aimed at making peace

⁶⁴ Bienville to Minister, New Orleans, Mar. 7, 1741, *Ibid.*, C13A, 26; 55-60v; same to same, New Orleans, Feb. 18, 1742, *Ibid.*, C13A, 27: 38-42v. Other raids in the fall of 1742 were equally successful. Same to same, Feb. 4, 1743, *Ibid.*, C13A, 28: 31v-32v.

⁶⁵ Beauharnois to Minister, Sept. 18, 1743, *Ibid.*, C11A, 79: 118v-119; same to same, Oct. 13, 1743, *Ibid.*, 173-173v.

⁶⁶ *Harangue a faire aux Tchactas touchant les Tchikachas Sur la paix qu'ils demandent*, etc., Aug. 27, 1743, *Vaudreuil Mss.*, 1v-2v.

⁶⁷ *Parole a porter au Tchikachas par Mr. de la Haussaye commdt. aux hali-bamons*, etc., Sept. 19, 1743, *Ibid.*, 5-6v.

⁶⁸ Vaudreuil to Minister, New Orleans, July 18, 1743, *Arch. Nat., Col.*, C13A, 28: 49-50.

between the Abeka, the Alabama, and the Talapoucha and the Chickasaw, thus leaving the Choctaw outside. This report led Vaudreuil to make new threats against the Chickasaw if they did not comply with his terms.⁶⁹

Early in the following year, the Governor had his commandants harangue both the Choctaw and their allies. To the former it was pointed out that no peace could be made without the French being privy to it, and he put the latter to the test of their faith by demanding that they prevent the English from establishing any post in their country.⁷⁰ In this policy, Vaudreuil had the full backing of the home government,⁷¹ but the Canadian authorities seem to have been little aware of the policy of the Louisiana governor, and they continued to send out their savages against the Chickasaw as before.⁷²

Vaudreuil, in order to reassure himself, met the Choctaw at Mobile in February, 1744, and sounded them out. He was well satisfied with their loyalty, and encouraged them to work for a durable peace.⁷³ So, when the Chickasaw proposed a truce shortly afterward, the Governor readily agreed to it, and informed his officers at Mobile, at the Alabama, and at Tombigbee to give out the news and to engage the savages to a cessation of arms for two

⁶⁹ Vaudreuil to Loubois, Oct. 18, 1743, *Vaudreuil Mss.*, 6v-7v; Vaudreuil to Haussaye, Nov. 2, 1743, *Ibid.*, 8v. See also the *Parole que Mr. de la Haussaye, comdt. aux halibamons fera porter par L'interprete du fort aux Chefs et considerez des Chikachas*, etc., Jan. 1, 1744, *Ibid.*, 28-29v.

⁷⁰ *Parole portee aux Tchactas Sur la paix que les Tchickachas demandent du 29 janvier, 1744*, *Ibid.*, 21v-24. See also the *Parole que Mr. de la Haussaye comdt. aux halibamons fera porter par L'interprete . . . aux halibamons, Kaouctas Et Talapouches*, Feb. 1, 1744, *Ibid.*, 29v-31.

⁷¹ Minister to Vaudreuil, Versailles, Jan. 22, 1744, *Arch. Nat.*, Col., B, 78: 19-19v; same to same, Versailles, Mar. 24, 1744, *Ibid.*, 21-21v.

⁷² Beauharnois to Minister, Sept. 18, 1743, *Ibid.*, C11A, 79: 118v-119.

⁷³ *Derniere harangue faite aux Tchactas a leur depart de la Mobile du 3 fe. 1744*, *Vaudreuil Mss.*, 31-31v. This was not necessarily a special meeting as the Governor went to Mobile each spring to meet the savages and to discuss problems with them. At these yearly meetings presents were distributed to the savages. In like manner the Canadian governor met the northern Indians at Montreal each spring.

or three months.⁷⁴ But the truce so ordered was never to go into effect due to the occurrence of an unfortunate accident which removed its possibilities. In April, several Chickasaw chiefs and warriors on their way to the Alabama post to treat with the French were attacked by a band of Choctaw and cut to pieces. Two of the head chiefs were killed in this affair. It was said that the Chickasaw were coming to accept the French terms of peace. In spite of this blow, the Chickasaw made other attempts to negotiate, but the Choctaw blocked all such moves by their recalcitrant attitude toward the enemy.⁷⁵ Then came news of the declaration of the war with the English, and Vaudreuil at once began to consider other plans, for English influence with the Indians was so great that he dared not go any further, and indeed he had begun to see the hand of the English in the whole movement.⁷⁶ He had also, it seems, begun to experience the same difficulty Bienville had met in his peace of 1740,—that of stopping the Canadian Indians, who were being urged on by the Canadian governor,—for unless they could be stopped, no real peace could be anticipated. The fact that the Canadian Indians had lately sustained serious defeats at the hands of the southern Indians made it all the more difficult to get them to stop their attacks even had the Canadian government been cooperating with Vaudreuil.⁷⁷

The beginning of the war with the English at once wrought a great hardship in Louisiana by reason of the delay in shipments of goods, and the English seized upon French necessity to extend

⁷⁴ Vaudreuil to Loubois, May 7, 1744, *Vaudreuil Mss.*, 39v-40. He seemed to be willing to negotiate for peace without including the Cherokee, though they were at that time harassing the Alabama and Abeka tribes. This rather pleased the French since it forced those tribes to rely upon French protection. Vaudreuil to Haussaye, May 27, 1744, *Vaudreuil Mss.*, 42v.

⁷⁵ Vaudreuil to Minister, May 10, 1744, New Orleans, *Arch. Nat., Col.*, C13A, 28: 219-222.

⁷⁶ Vaudreuil to Haussaye, Sept. 9, 1744, *Vaudreuil Mss.*, 59-60v.

⁷⁷ Beauharnois to Minister, Quebec, Oct. 21, 1744, *Arch. Nat., Col.*, C11A, 81: 182-184. During the previous winter he says a party of the Sault had been defeated by the Cherokee with a loss of thirty men. There were other serious defeats also. Vaudreuil also distrusted the sincerity of the Choctaw quite as much as he did that of the Chickasaw, and he expected at one time that if they entered into peace with their enemies, it would be only to fall upon them at another time. Vaudreuil to Father Baudouin, May 13, 1744, *Vaudreuil Mss.*, 40v-41v.

their hold upon the French Indians, even the Choctaw.⁷⁸ In December, 1744, Vaudreuil definitely abandoned his support of the peace movement, and he wrote, that although he might easily have come to terms with the Cherokee, he saw no other course open than to exterminate the Chickasaw.⁷⁹

It remained for the war with the English to demonstrate how slippery the French hold on the southern Indians really was. The whole peace movement discussed above had really developed from dissensions between the Choctaw and their allies. This trouble had begun in 1739, when the Abeka and Talapoucha, under English influence, had slain four Choctaw warriors in revenge for the death of one of their men at the hands of the latter, this having presumably been done by mistake. The French were able to prevent war between the two parties only with much effort.⁸⁰ Loubois wrote at this time that the English influence among the Alabama and Talapoucha was so strong that they had established themselves within two leagues of the French fort on the Alabama, and that a French store at the fort had been driven out of business by the English competition.⁸¹ This disaffection spread to the Choctaw themselves, abetted by the chief *Red Moccasin* and his village.⁸²

Bienville had publicly rebuked this chief for his pro-English actions in the winter of 1740-1741 when he distributed the presents at Mobile. At this time *Red Moccasin* was accused of having made several trips to the Carolinas to encourage the English trade. He was also said to have been guilty of treasonable action in the ambush of a Choctaw party by the Chickasaw at the same time. Bienville gave the rebel chief only the presents of a simple warrior and threatened to take his medal from him. *Red Moccasin* seemed so penitent that he was restored to favor the next year

⁷⁸ Vaudreuil to D'Erneville, Sept. 10, 1744, *Ibid.*, 60v-61v.

⁷⁹ Vaudreuil to Minister, New Orleans, Dec. 6, 1744, *Arch. Nat., Col.*, C13A, 28: 247-248; same to same, Oct. 28, 1745, in *Ibid.*, C13A, 29: 51v-52.

⁸⁰ Bienville to Minister, Mar. 7, 1741, *Ibid.*, C13A, 26: 55-60.

⁸¹ Loubois to Minister, New Orleans, June 23, 1740, *Arch. Nat., Col.*, C13A, 25: 236-239. It was rumored that the English had considered building a fort nearby and that they had officers there to study the project. Vaudreuil to Father Baudouin, Mar. 30, 1744, *Vaudreuil Mss.*, 33v-34.

⁸² There seem to have been two chiefs who went under this name among the Choctaw. One was killed in 1739. The other was also called *Le Matin*.

when presents were distributed.⁸³ By 1744, however, Vaudreuil began to suspect that the infiltration of English peace negotiations into the Choctaw and other tribes was being abetted by *Red Moccasin* whom he says "*a toujours le coeur anglois*" in spite of his feigning.⁸⁴ It was the scarcity of goods in the French stores, that caused English credit with the French allies to rise. Vaudreuil was forced almost to desperation to hold out until the belated ship arrived in 1744. To stop English convoys from coming in, the French organized several parties of the Arkansas Indians upon whose loyalty they could depend and sent them to intercept the English traders.⁸⁵ Vaudreuil temporized with *Red Moccasin*, and at one time seems to have won him back temporarily upon the promise of setting up new stores in his country.⁸⁶ The arrival of considerable supplies in 1745 enabled the Governor partially to fulfill this promise and brought some relief to the situation.⁸⁷

However serious the threat of *Red Moccasin* was, Vaudreuil seems never to have lost faith in the majority of the Choctaw, and time was to prove that he was right in holding this belief.⁸⁸ Therefore, he set about to check the rebel's power, first by encouraging the Choctaw to continue their attacks on the Chickasaw, and later by turning the loyal element against him.⁸⁹ That Vaudreuil came to blows with him was brought about by an act of the rebel himself. In August, 1746, *Red Moccasin* raised his standard by ordering the murder of three Frenchmen.

Vaudreuil, at the suggestion of Loubois, immediately asked the Choctaw to deliver him the head of the rebel and his close

⁸³ Bienville to Minister, Mar. 7, 1741, *Arch. Nat., Col.*, C13A, 26: 55-60v; same to same, Mar. 28, 1742, *Ibid.*, C13A, 27: 63-67.

⁸⁴ Vaudreuil to De Velle, Jan. 29, 1744, *Vaudreuil Mss.*, 24-24v.

⁸⁵ Vaudreuil to D'Erneville, Nov. 11, 1744, *Vaudreuil Mss.*, 72-74.

⁸⁶ Vaudreuil to Minister, New Orleans, Dec. 18, 1744, *Arch. Nat., Col.*, C13A, 28: 257-259.

⁸⁷ Vaudreuil to Loubois, Sept. 10, 1745, *Vaudreuil Mss.*, 87v. A few days after this he said: "The arrival of the King's vessel will be well capable of causing a change of sentiment." Vaudreuil to Loubois, Sept. 28, 1745, *Ibid.*, 88ff.

⁸⁸ Vaudreuil to De Beauchamp, Nov. 29, 1745, *Vaudreuil Mss.*, 92-92v. Vaudreuil to Loubois, June 13, 1746, *Ibid.*, 98-99.

⁸⁹ Vaudreuil to Loubois, Aug. 23, 1746, *Ibid.*, 102-103. *Red Moccasin* headed the peace party in the tribe. Much under English influence, he worked for peace with the Chickasaw.

associates. Major De Beauchamp was sent to the Choctaw country to conduct this negotiation. He carried with him a train of merchandise for presents. Meeting with a great deal of opposition at first, the French officer held his ground, and refused presents to those who did not express their loyalty. Attempts were made to secure the assassination of the rebel, but none of the savages seemed bold enough for such a deed excepting the rebel's brother, who had scruples on the subject. So De Beauchamp was forced to return empty handed.⁹⁰

The case, however, was not hopeless, and Vaudreuil sat down to await the results through the dark days that followed, when beside the Choctaw situation, the gulf coast was threatened with an English naval attack.⁹¹ He continued in his firm attitude toward the whole Choctaw nation, and withheld all merchandise and munitions from them until they should acquiesce in his demands.⁹² Also, he watched carefully the peace proposals made by the Shawnee to M. de Bertet, hoping that in the last extremity he might count upon that tribe to help him hold the southern allies in line.⁹³

In the meantime, Father Baudouin, the Jesuit missionary among the Choctaw, had been working with that tribe to bring them to break completely with the rebel element. Soon he began to see signs of success. The French embargo on merchandise was telling its tale, for the English were not able to supply the Indians alone, though some of the rebels were moving toward the Carolinas to get supplies. Vaudreuil counseled that they should be allowed to remove if they wished, for he knew that not many

⁹⁰ De Beauchamp was one time major of Mobile. See his *Journal* in Mereness, *op. cit.*, 261 ff. The rebel began the revolt when his peace negotiations with the Chickasaw had been condemned by the other chiefs.

⁹¹ Vaudreuil to Loubois, Sept. 15, 1746, *Vaudreuil Miss.*, 109-110. A few days later the Governor reminded his subordinate that "often the most desperate situations take a good turn." The Memoir of 1747, *Arch. Nat., Col.*, C13A, 31: 17-19, sums up the revolt situation.

⁹² Vaudreuil to Hazeur, Oct. 28, 1746, *Vaudreuil Mss.*, 119-119v; same to same, *Ibid.*, Jan. 24, 1747, 124-124v.

⁹³ Vaudreuil to Le Soeur, Oct. 18, 1747, *Vaudreuil Mss.*, 117-117v; Vaudreuil to Minister, Mar. 15, 1747, *Arch. Nat., Col.*, C13A, 31: 22-22v. De Bertet was commandant in Illinois, 1742-1749.

would undertake to go.⁹⁴ His predictions were carried out when at a general assembly of the Choctaw on May 10, 1747, it was decided to deliver to the Governor the heads that he had requested,⁹⁵ and in July this was partly carried out to the general relief of the French.⁹⁶ Trade with the Choctaw was immediately resumed and tranquillity returned for a while.⁹⁷

The following year, however, new trouble arose. English traders continued to come in, and the extent of their business may be estimated by the size of one convoy destroyed by the French near the Tombigbee in October, 1747, which contained sixty pack horses. Though the horses were all taken or killed, all the traders except one made good their escape.⁹⁸

Dissatisfaction among the Choctaw still remained, and in 1748 some of their number attacked the French near the Natchez and the German Settlement, four persons being killed.⁹⁹ The loyal Choctaw, encouraged by the French, now fell upon the revolters and exterminated them. In April, 1750, they brought to Mobile one hundred and thirty rebel scalps. The nation as a whole now seemed reconciled, and the Alabama, the Abeka, and the Talapoucha largely returned to French allegiance.¹⁰⁰

One of the results of the struggle with the Chickasaw and the growing English influence with the southern Indians had been to demonstrate the necessity of additional protection for the Illinois country. Ft. Chartres was becoming dilapidated, and a new fort had been begun at Kaskaskia in 1738. Bienville then

⁹⁴ Vaudreuil to Loubois, Apr. 7, 1747, *Vaudreuil Mss.*, 130-130v. See also Vaudreuil to Le Soeur, Apr. 7, 1747, *Ibid.*, 131-131v. On Mar. 15, 1747, Vaudreuil wrote that forty-two villages of the Choctaw had sent him deputies expressing their loyalty and that a party was at that time out hunting for the rebels. Vaudreuil to Minister, Mar. 15, 1747, *Arch. Nat., Col.*, C13A, 31: 17-19.

⁹⁵ Minister to Vaudreuil, Fontainebleau, Oct. ?, 1747, *Ibid.*, B, 85: 20.

⁹⁶ *Red Moccasin's* head was delivered, but English scalps were accepted in lieu of the others. Vaudreuil to Minister, Sept. 19, 1747, *Ibid.*, C13A, 31: 98-99.

⁹⁷ Vaudreuil to Loubois, July 30, 1747, *Vaudreuil Mss.*, 135v-138.

⁹⁸ Memoir of Sept. 6, 1748, *Arch. Nat., Col.*, C13A, 32: 241-242v.

⁹⁹ Memoir of Feb. 26, 1749, *Ibid.*, C13A, 33: 146-147.

¹⁰⁰ Ministerial minute on Louisiana despatches, Sept. 18, 1750, *Doc. Rel. to the Col. Hist. of N. Y.*, X, 219-220; Vaudreuil to Minister, Sept. 22, 1749, *Arch. Nat., Col.*, C13A, 33: 79-83. Minister to Vaudreuil, Versailles, Sept. 30, 1750, *Ibid.*, B, 91: 21-21v.

came to the conclusion that a fort located on the Ohio at the mouth of the Tennessee would be more useful, and this belief, added to a suspension of the work at Kaskaskia due to lack of funds, accentuated the proposed relocation of the fort.¹⁰¹ Bienville reported that a strong fort at the mouth of the Tennessee would be the best antidote to the inroads of the Chickasaw, while it would have the added advantage of being in position to guard against any English inroads by way of the Ohio. The project, however, would involve the settlement of some loyal Indians near the site of the proposed fort. At conferences with the Kickapoo and Piankeshaw, Bienville secured their promises to come, though they later refused on the ground that the site projected was subject to inundation. Bienville attributed this change of heart to the intrigues of Canadians. The Louisiana Governor worked hard to secure permission to build the fort, seeing in it advantages which would prove that "Messieurs Dartaguet and de la Buissonniere as well as myself have not failed."¹⁰²

The natural result of the series of attacks on the French convoys during 1740 and 1741 was to heighten the interest in this project. In 1742 the Minister ordered Vaudreuil to make further investigations.¹⁰³ Two years later, Vaudreuil reported in favor of the project in order to keep down abuses, to make trade flourish, and to block the Chickasaw menace.¹⁰⁴ A year later he wrote again, pointing out the English menace in that region also. He proposed

¹⁰¹ The work at the Kaskaskia site had proceeded no further than the collection of materials, two hundred and twenty-four tons of stone, the same number of tons of lime, and 26,000 clapboards, being all that had been gathered. This had already cost three times the sum allotted and work was suspended in 1739. These materials were later disposed of by allowing the parish to use them for the construction of a church. Minister to Bienville and Salmon, Fontainebleau, Oct. 28, 1740, *Arch. Nat., Col.*, B, 70: 472-473v. Minister to Vaudreuil and Salmon, Versailles, Oct. 22, 1742, *Ibid.*, B, 74: 651-651v. Ft. Chartres was located on the Mississippi half way between Kaskaskia and Cahokia.

¹⁰² Bienville to Minister, Apr. 30, 1741, *Ibid.*, C13A, 26: 81-87. Dartaguet and La Buissonniere, former Illinois commandants, had both been defeated by the Chickasaw.

¹⁰³ Same to same, Mar. 28, 1742, *Ibid.*, C13A, 27: 63-67; Minister to Vaudreuil and Salmon, Nov. 15, 1742, *Ibid.*, B, 74: 683-684v.

¹⁰⁴ Vaudreuil to Minister, New Orleans, (undated), *Arch. Nat., Col.*, C13A, 28: 245v.

a stone fort and submitted estimates of its cost.¹⁰⁵ The following year, M. de Bertet reported that the Kickapoo and Mascoutin were willing to locate at the site proposed, and the Shawnee who had migrated from their Ohio home had settled temporarily near this place.¹⁰⁶

This migration of the Shawnee brought new proposals to settle the Chickasaw war by negotiation. These Indians connected to a group of their people who for some years had been living with the Alabama, sought to mediate a general peace between northern and southern Indians. M. de Bertet at the Illinois entered heartily into these proposals and tried to arrange a general conference of Indians such as the Shawnee had advocated. Vaudreuil necessarily supported De Bertet only in a peace along lines he had laid down to the Chickasaw in 1743. That these negotiations failed was due, partly, as Vaudreuil alleged, to lack of merchandise.¹⁰⁷ The opposition of the Choctaw was another reason quite as valid.

In any case, the King in 1746 refused to permit the building of the fort until he found himself in more "favorable circumstances," and the Shawnee never succeeded in bringing any great number of the warring chiefs to De Bertet's council table.¹⁰⁸ It was said to have been lack of finances which had caused the King to refuse the permission to build the fort at this time.¹⁰⁹ Nevertheless, the

¹⁰⁵ Vaudreuil to Minister, New Orleans, Nov. 4, 1745, *Ibid.*, C13A, 29: 66-69. See same in *Margry*, VI, 661-662.

¹⁰⁶ The name of the modern city of Shawneetown, Illinois, originated at this time. The Shawnee settled at a spot on the river three leagues below the junction of the Tennessee and the Ohio. Vaudreuil to Minister, Feb. 6, 1746, *Arch. Nat., Col.*, C13A, 29: 28-30v. Vaudreuil claimed the Winnebago, Sac, and Foxes were also interested in settling there. Vaudreuil to Minister, Mar. 22, 1747, *Ibid.*, C13A, 21: 45-46.

¹⁰⁷ The Governor and Intendant were at odds over the supplying of the posts at this time. Vaudreuil to Minister, Mar. 9, 1746, *Ibid.*, C13A, 29: 23-23v; same to same, Mobile, Apr. 12, 1746, *Ibid.*, C13A, 30: 58-58v. Vaudreuil said that the lack of goods would defeat the proposition on all sides. At peace with the Chickasaw, the French would be forced to supply both them and the other Indians who would be gathered about the fort to be located on the Wabash, which of course would be more than could be done. Vaudreuil to Minister, Apr. 12, 1746, *Arch. Nat., Col.*, C13A, 30: 58v-59v.

¹⁰⁸ Minister to Vaudreuil, Versailles, Apr. 25, 1746, *Ibid.*, B, 83: 10v.

¹⁰⁹ Minister to Vaudreuil, Apr. 30, 1746, *Ibid.*, 18-18v. In the entire negotiation at this time, the Indian revolt which was then in progress in the northwest was a deterrent factor, especially in the Illinois.

King did approve the peace negotiations without the fort, and the Shawnee continued to work for peace, though they were able to accomplish little. Some of the Chickasaw chiefs, however, did come to the Illinois and conferred with the Commandant, having with them two French traders who acted as their agents. These two men also visited the Cherokee, but got nothing more than a favorable reception. They reported the futility of trying to make any arrangement of peace without the support of adequate trading facilities. The Shawnee themselves soon began to move away from the Illinois country and resumed trade with the English.¹¹⁰

After the failure of the Shawnee to arrange a mediation of the Indian wars, Vaudreuil revived the project of building the fort, and gained conditional permission to begin it, without, however, getting any money to do with. In the last analysis he was obliged to content himself with an increase in the amount of goods he was allowed for the Indian trade, and with an increase in the amount of supplies for the posts which Le Normand had so much opposed.¹¹¹ Not long thereafter, the King cancelled the conditional permission to build the fort on the Ohio and the subject was dropped.¹¹² A poor substitute was to be found in the construction of Fort Massac in 1757. As for the Shawnee, they shortly afterward left the lower

¹¹⁰ Minister to Vaudreuil, Versailles, Apr. 30, 1746, *Ibid.*, 38v. See also Vaudreuil to Minister, New Orleans, Nov. 20, 1746, *Ibid.*, C13A, 30: 72-75v; same to same, Mobile, Apr. 12, 1746, *Ibid.*, 60-61. In the last mentioned despatch, he mentions the necessity of merchandise to hold the Shawnee on the lower Ohio. Here also he accuses Le Normand of selling goods to Frenchmen that ought to have been sent to the posts for trading purposes.

¹¹¹ Minister to Vaudreuil, Oct. 10, 1746, *Arch. Nat., Col.*, B, 83: 40-40v. De Bertet reported at this time that he must have goods to hold the Shawnee and defeat the English influence among them. Vaudreuil to Minister, Apr. 8, 1747, *Margry*, VI, 662-664.

¹¹² Minister to Vaudreuil, Versailles, Feb. 23, 1748, *Arch. Nat., Col.*, B, 87: 1-1v. Of interest at this time is a proposal by a French nobleman to found a colony near the mouth of the Ohio. This scheme included the building of a strong fort, as well as minor posts, the settlement of colonists from France on the basis of the *seigneurial* system, and schemes for trade expansion. It was urged that such a venture would greatly develop trade, subjugate the Indian nations in that region, and serve as a bulwark against the English advance from the Ohio. The cost of institution of the colony was put at the modest figure of 36,000 l. Memoir of M. le Bailly, Mgr., joined to a letter of M. Poisson to his daughter, Mde. Pompadour, Dec. 17, 1749, *Ibid.*, C13A, 33: 219-221v.

Ohio and went in part to the Scioto settlement, and the others among the Alabama.¹¹³

The French had practically exterminated the Chickasaw and had crushed the rebellious element of the Choctaw. The safety of the Mississippi route during the remainder of French occupancy was in the main assured, though occasional raids along that route might be made.¹¹⁴ By 1750 the government had approved a plan to let the yearly convoy out to private contract, so peaceful had the Mississippi route become.¹¹⁵ When the French and Indian War broke out, Governor Kerlérec, largely relieved of the Chickasaw threat, was able to control the Cherokee and to prevent English attacks from that quarter. Indeed, during that struggle, Louisiana remained impregnable to the English. Had the French but have been able to have destroyed the Iroquois power in the north as they did that of the Chickasaw in the south, they might conceivably have held the Ohio valley and have waged a more even struggle with the English for the control of the interior of North America.¹¹⁶

¹¹³ Minister to La Jonquiere, Marly, May, 1749, *Ibid.*, B, 89: 66.

¹¹⁴ In May, 1749, for example, some Chickasaw and renegade Choctaw raided Arkansas Post, killing six Frenchmen and taking prisoner eight women and children. Vaudreuil to Minister, Sept. 22, 1749, *Arch. Nat., Col.*, C13A, 33:83-86v.

¹¹⁵ Minister to M. Michel, Versailles, Sept. 26, 1750, *Arch. Nat., Col.*, B, 91: 8; Minister to Vaudreuil and Michel, Versailles, Sept. 26, 1750, *Ibid.*, 91: 13-13v. Economy was also a factor in this decision, the yearly convoy costing the government exorbitant sums due to the inefficient way in which it was handled. For example, M. de Monchervaux, the officer who commanded the convoy in 1749, submitted a bill for 1200 *livres* for services of a hunter who provided game for his table! M. Michel to Minister, New Orleans, Jan. 22, 1750, *Arch. Nat., Col.*, C13A, 34: 291-296.

¹¹⁶ Dr. Norman W. Caldwell is Professor of History at the College of the Ozarks, Clarksville, Arkansas.

BOOK REVIEWS

Old Frontiers, The Story of the Cherokee Indians from Earliest Times to the Date of their Removal to the West, 1838. By John P. Brown. (Kingsport, Tennessee: Southern Publishers, 1938. 570 pages \$3.75.)

To the people of Oklahoma this should be an especially welcome book, detailing as it does the earlier history of the Cherokees, so important a portion of the state's population.

Fifty years ago, the late James Mooney visited the "mountaineers of the South" in their North Carolina fastnesses, and secured from them the material for his memorable *Myths of the Cherokees*. About the same time, Charles C. Royce prepared his painstaking study of Cherokee treaties and other relationships. These two Bureau of Ethnology *Reports* have long been out of print and hard to find on the shelves of second hand book stores. Authentic material on the early history of the Cherokees has been scarce, and Mr. Brown's book, coming as it does during the hundredth anniversary of Cherokee removal, meets a real need.

From these sources and numerous others dating from De Soto's chroniclers up to modern biographers of Andrew Jackson, and including much material never before in print, he has fashioned an informing, exciting, and readable history of the Cherokees from their mythical beginning to their first white contacts and on to the "Trail of Tears." The author has drawn from Theodore Roosevelt's *Winning of the West*, Ramsey, Haywood, and such modern historians as S. C. Williams, A. V. Goodpasture, and Grant Foreman. The records of Virginia, North and South Carolina, the Draper Manuscripts, and *American State Papers*, have been searched. From the mass of detail, Brown has traced the alarums and excursions of the old southwestern frontier with praiseworthy clarity. This is probably due to his familiarity with the land of the Cherokees, a familiarity which has enabled him to compile for his book useful maps of the country, showing

Indian towns, white settlements, forts, and other historic points of interest. The book contains excellent photographs of such sites, and photographs of portraits of Attakullakulla, Judd's Friend, John Ross, William Blount, John Sevier, and others. The appendices include Cherokee land cessions, and about one thousand Cherokee words and proper names.

Old Frontiers is more than the story of the Cherokees. As its name implies, it presents also the frontiersmen's side of the struggle for Kentuck's "Dark and Bloody Ground" and the equally crimson lands to the south. Mr. Brown is a Chattanooga. He probably would not live there had not the pioneers, with ever-increasing numbers, overcome the stubborn followers of Dragging Canoe and John Watts, whose habitat was the famous Five Lower Towns, a score of miles down the Tennessee River from where Chattanooga now stands.

Gone are those fiery warriors, Benge, Bloody Fellow, and Little Owl. Doublehead, who was merciless in battle but yet could shed tears for a friend, has found his reward. Oconostota, who "never ran from an enemy but walked fast once," sleeps in the soil of Echota. The peace-loving soul of Little Carpenter has found the peace he craved, in the happy hunting grounds.

In the pages of *Old Frontiers*, these men live again. The slash of the scalping knife in the lonely settlements makes the reader wonder at the urge that drove white men with families from the safety of the Atlantic Seaboard to such dangers in the wilderness. We of today traverse in safety and comfort, in a few hours, the same Wilderness Road that took the lives of so many of our forebears, and required days, and even weeks of toil; and danger so great that the rate of postage on one letter from Knoxville to Nashville was fifty dollars, "dearly earned in many cases."

The major part of *Old Frontiers* deals with the period from the opening of the French and Indian War in 1755 to the victories of Mad Anthony Wayne in the north, and of the Nashville settlers against the Five Lower Towns in the south, in 1794. The part played by the Cherokees in making this continent

English rather than French is clearly shown. We see the Indians, pawns in the ambitions of European Nations, turn from one "elder brother" to another; aligned first with the English against the French; then against the English and later with the English against the Americans; and carrying on their warfare against the American frontier with Spanish powder and ball.

The last eighty pages of the book deal with a period longer in time than the foregoing, but perhaps this is just as well. For the tale is of an ever stronger white juggernaut bearing down on an ever weaker Cherokee Nation. The end is removal. Only occasionally, as in the chapter on Sequoyah, is there brightness in these final pages, unless it be in the unmatched patriotism of humble Cherokee Tsali, a story that brings tears to the eyes.

One closes *Old Frontiers* with the thought that here is a book which deserves and should find a place on the shelves of every Oklahoma library; and should be read by thoughtful Americans, everywhere.

—Hugh Hamill.

Chilocco Indian
Agricultural School

Geronimo's Story of His Life. By S. M. Barrett. (Oklahoma City: Harlow Publishing Corporation, 1938. 216 pp. \$1.50.)

Geronimo's story was told to the author while the Apache leader was a prisoner of war at Fort Sill. The commanding officer refused to allow publication of the material but President T. R. Roosevelt overruled the order and the book was released in 1905. A new copyright has recently been secured.

An account of the mythological origin of the Apache tribe introduces Geronimo's people, and a chapter on the divisions of the tribe shows the relationship of the groups to each other, and forms a backdrop for the chapters on his boyhood.

Geronimo, a member of the Bedonkohe group, was born in Arizona in June, 1829. He was trained similarly to other Indian

boys in the chase, gathering of nuts and herbs, farming of small plots, and in the arts of war. At seventeen, he was admitted to the war council and soon took Alope for his bride. She was the first of eight wives for Geronimo. He had several children during his lifetime.

He became an outstanding figure in war with the Mexicans in which he fought to avenge the massacre of his first wife and children while they were with a group in Mexico. Although he could not be a chief because his father had married into the Bedonkohe division, Geronimo was chosen to lead a war party into Mexico. The Apaches won a hard battle but Geronimo was not satisfied and declared eternal war upon the Mexicans. He led various war parties into Sonora and Chihuahua to kill and to plunder. During his fighting, Geronimo led a charmed life for he was shot eight times and struck down by a Mexican saber, but he managed to escape permanent injury.

The author digresses from the story to try to explain the lawless age and region around the Apaches. Since this chapter is devoted to the period after 1880 it is doubtful that its purpose is achieved.

Geronimo dated the start of hostility with the United States army from a meeting at Fort Bowie, Arizona, in 1870 when Cochise and lesser chiefs were treacherously attacked during a peace conference. Many Apaches were slain but Cochise escaped and led a bitter war against the soldiers. Geronimo recalled a similar attack at Apache Tajo in 1863 when his chief, Magnus-Colorado, had been slain with many others after they accepted hospitality from United States soldiers.

In 1872, Geronimo made peace with General O. O. Howard which was kept many years. Finally, he was arrested for leaving the reservation on a peaceful visit. His proud spirit resented the close supervision and he led a group of about two hundred fifty Apaches into Mexico. After a year, he returned to the reservation with his Apaches and many head of cattle and horses taken from the Mexicans. When General George Crook took the livestock

from the Indians, Geronimo was so angered that he fled with about four hundred Apaches back into Mexico. There followed a period of pursuit by Mexican and United States soldiers until nearly all Apache women and children had been captured. Geronimo then surrendered to Crook but lost faith in him during the return trip and escaped with about thirty Indians. Crook was replaced by General Nelson Miles who kept soldiers constantly on the trail until Geronimo surrendered in 1886.

Geronimo claimed that Miles promised farms, live stock, clothing, other supplies, and freedom to the Apaches. Geronimo was bitter when the tribal chiefs were sent to Florida as prisoners. In 1894, they were transferred with their families to Fort Sill. Geronimo adds to his story tales of Apache religion and customs, and a visit to the World's Fair. His last wish was that the Apaches at Fort Sill would be allowed to return to Arizona to live in peace.

The book of four parts has twenty-three chapters and five illustrations. The author has some good explanatory footnotes. Some army dispatches might be better placed in an appendix.

As a whole, the book is interesting and a contribution to the history of the Southwest. It augments the information supplied by Tom Horn's *Autobiography* and chapters of General Miles' *Personal Recollections and Observations of General Nelson A. Miles*. It gives to the reader the Indian side of a destructive struggle with the whites in Arizona and Mexico, and shows the bravery and strategy of a great Apache leader.

—J. V. Frederick.

*Northwestern State
Teachers College*

MINUTES OF THE QUARTERLY MEETING OF THE BOARD OF DIRECTORS OF THE OKLAHOMA HISTORICAL SOCIETY, OCTOBER 27, 1938.

The regular quarterly meeting of the Board of Directors of the Oklahoma Historical Society convened in the Historical building, Oklahoma City, Oklahoma, October 27, 1938, with Judge Robert L. Williams, President, presiding.

Roll call showed the following members present: Gen. Charles F. Barrett, Judge Harry Campbell, Dr. E. E. Dale, Mr. John B. Doolin, Judge Thomas H. Doyle, Judge Thomas A. Edwards, Mr. George H. Evans, Dr. Emma Estill-Harbour, Judge Samuel W. Hayes, Gen. William S. Key, Mrs. Frank Korn, Mrs. Roberta C. Lawson, Mrs. Blanche Lucas, Mrs. Jessie E. Moore, Judge William P. Thompson, Mrs. John R. Williams, Judge Robert L. Williams, and the Secretary.

The following members had sent in explanations for their absence: Dr. Grant Foreman, Judge Robert A. Hefner, Mr. James H. Gardner, Col. A. N. Leecraft, Mr. John B. Meserve, Hon. W. J. Peterson and Mr. Jasper Sipes.

Judge Thomas H. Doyle moved that the explanations for absences be accepted and that the Board express its sympathy to Col. A. N. Leecraft and hope for his speedy recovery. Motion was seconded and carried.

Mrs. Blanche Lucas moved that the reading of the minutes of the Board meeting held July 28, 1938, be dispensed with at this time. Motion was seconded and carried.

The President presented to the Society two pictures of Hon. John Slidell, a Congressman and United States Senator from Louisiana prior to the Civil War, and during the Civil War a Confederate Commissioner from the Confederate States of America to England and France, which were accepted.

The President reported that since the last regular meeting of the Board of Directors, Dr. Giles Edward Harris, of Hugo, Oklahoma, had died. That as a member of this Society he evinced an intelligent and efficient interest in its affairs, and as a member of the committee in charge of the Robert M. Jones Cemetery project he devoted his time and energy in the aid of its successful completion. That he passed away before he reached the prime of usefulness, and the State and the profession and this Society could ill afford to lose him.

RESOLVED: That we express our sense of such loss and extend to his wife and daughters our sympathy and condolence in their great bereavement.

Gen. William S. Key moved the adoption of this resolution. Motion was seconded and carried.

The President reported that through the kindness of Mr. A. E. Pearson, an attorney of Oklahoma City, Oklahoma, a communication from Mr. P. L. Marvin, Chief Engineer of the Kansas and Southern Railway, as to the chief reconnoissance of the several routes through Indian Territory and northern Texas which resulted in the construction of the Santa Fe Railroad, has been presented for our archives. This communication was addressed to Mr. A. A. Robinson, General Manager. The President asked that it be preserved and published in *The Chronicles*, as it relates to important preliminary matters in the construction of that railroad.

Mrs. John R. Williams moved that Mr. A. E. Pearson be thanked for this donation, and that the article be referred to the editorial committee for consideration with request that it be published in *The Chronicles*. Motion was seconded and carried.

The President transmitted to the Society a photograph of Senator Robert L. Owen, received from his secretary.

Judge Thomas A. Edwards moved that we accept this photograph and express the thanks of the Board for this donation. Motion was seconded and carried.

The Secretary transmitted to the Society a picture of Judge R. L. Williams and Dr. G. E. Harris, taken at the dedication of the Robert M. Jones Cemetery, the picture being a gift of the American Legion at Hugo. Upon motion the picture was accepted with expression of appreciation for this gift.

The President reported that to carry on the work of the WPA project at Oklahoma City and Muskogee, it would require the renting of seventeen typewriters, and that the rental would be less if rented by the quarter instead of monthly.

Mrs. Blanche Lucas moved that these typewriters be rented and paid for quarterly instead of monthly. Motion was seconded and carried.

The President presented to the Society a number of small pictures of the dedication of the Robert M. Jones Cemetery, Gen. William S. Key at the dedication, the two Negro slaves of Robert M. Jones, Silas Cole, Joe Kemp and Governor Johnston, a picture of the last Chickasaw Council and a picture of an apron party at Emet, Oklahoma.

Mrs. Blanche Lucas moved that the picture of the last Chickasaw Council and the picture of the apron party at Emet be photostated or photographed and copies supplied to the donors. Motion was seconded and carried.

The President requested that the Board authorize him to appoint a committee to have supervision for publicity of the Indian Archives now housed in the Historical building.

Dr. Emma Estill-Harbour moved that the President appoint such a committee to have supervision for publicity of the Indian Archives. Motion was seconded and carried.

The President appointed the following committee: Dr. Grant Foreman, Chairman; Gen. William S. Key and Mrs. Jessie E. Moore.

Gen. William S. Key moved that the President and Secretary be authorized to furnish photostat copies of records, under the rules of comity, of any Indian tribes who formerly lived in other states and were afterward domiciled in this state when requested by the state of the former home of that Indian tribe. Motion was seconded and carried.

The report of Mrs. Helen S. Carpenter, supervisor of WPA project for cataloguing and indexing Indian Archives, newspaper files and other material was presented and filed.

Judge Thomas A. Edwards moved that a synopsis of this report be incorporated in the minutes. Motion was seconded and carried.¹

¹ To date, 629 volumes of newspapers have been indexed and there are approximately 323,050 cards in the general file. During the last quarter, 340 volumes of newspapers were completely mended. With the assistance of this project 4,534 volumes have been made available to the public.

Eight Works Progress Administration workers have been assigned to the Indian Archives Department. Most of the classifications have been filed chronologically, and at present, they are indexing documents.

In the Library, 130 volumes have been indexed, and as a result, there are 35,000

The funds for the fiscal years 1937 and 1938 that had lapsed were discussed.

Judge Harry Campbell moved that the Board ask the forthcoming legislature to re-appropriate these funds amounting to \$1311.61 for the purpose of extending the mezzanine floor in the newspaper stack room, and any other essential and necessary equipment that the funds would provide. Motion was seconded and carried.

Mrs. Blanche Lucas moved that a committee of three of the Board members be appointed to attend the dedication of the Will Rogers Memorial November 4, 1938, and that any other members attend where possible, all without expense to the Society. Motion was seconded and carried.

The Chair appointed the following committee: Mrs. Blanche Lucas, Mrs. Robert C. Lawson and Judge William P. Thompson.

Mrs. John R. Williams, committee to secure the portraits of past Governors, gave a verbal report on her work.

Gen. Charles F. Barrett, Adjutant General, extended an invitation to the members of the Board of Directors to attend the dedication of the new Armory building on the Capitol grounds November 11, 1938.

Mrs. Jessie E. Moore presented the portrait of Rev. Marcus Lafayette Butler, D. D., the gift of his wife, and the portrait of Hon. W. A. Durant, Chief of the Choctaws, the gift of his two sons, W. E. L. Durant and Gordon Durant.

Gen. William S. Key moved that these portraits be accepted and that the Secretary be instructed to express the thanks of the Society to the donors. Motion was seconded and carried.

Mrs. John R. Williams announced the withdrawal of the pictograph which had been lent to the Society by Neal Maurer and William A. Maurer.

The State Budget Officer, Mr. R. R. Owens, appeared before the Board and discussed the budget for the Historical Society for the coming biennium.

The question of framing the pictograph of the history of the Kiowa Indians, which had been lent to the Society, was discussed, and Gen. Charles F. Barrett moved that it be left in the Museum until after the next meeting of the legislature. Motion was seconded and carried.

The President called attention to the meetings of the Southern Historical Association to be held in New Orleans in November, the American Historical Association to be held in Chicago during the Holidays and the Mississippi Valley Historical Association to be held at Memphis next spring, and suggested the advisability of sending the Secretary to each of these meetings.

Dr. Emma Estill-Harbour moved that the Secretary be authorized to attend these meetings and that the necessary expense, such as railroad fare or transportation and hotel bills be allowed. Motion was seconded and carried.

The Secretary presented the following list of applicants for annual membership in the Society: Ward H. Bell, Kiowa; George Carlton, Claremore; Henry Chouteau, Ralston; Thaddeus L. Duren, Countyline; Mrs. Mary E. Hadden, Ponca City; W. E. B. Leonard, Oklahoma City; Virginia

index cards in the biography file. This means that there is a record or biography of that many individuals who have a part in the history of Oklahoma.

At present there are 70 workers on this project, the majority of whom are located at the Historical building. Recently, twenty were assigned in Muskogee County to index the books prepared by the Indian-Pioneer History project.

Helen S. Carpenter,
Supervisor, Project S-179 A.

L. Lindsey, Choteau; Mrs. Raymond Lucas, Spiro; Mrs. Tony Lyons, Oklahoma City; Lillian B. Mathews, Pawhuska; Mrs. H. B. McKnight, Oklahoma City; Alfred P. Murrah, Oklahoma City; S. W. Perkins, Rose; T. C. Peters, Wichita, Kansas; Aubrey L. Steele, Pampa, Texas; Joel W. Taylor, Oklahoma City; Florencio P. Valencio, Mexico City, Mexico; R. C. Walker, Tulsa; Mrs. W. J. Walker, Mazie; Mrs. Leonora Ward, Erick; Samuel W. West, Blanchard; and Annah L. Wilson, New York, N. Y.

Judge Thomas H. Doyle moved that these persons be elected to annual membership in the Society. Motion was seconded and carried.

Dr. E. E. Dale discussed the joint sponsorship of the Indian-Pioneer History project between the University of Oklahoma and the Oklahoma Historical Society, and asked that a committee be appointed to check the accounts and ascertain what the University of Oklahoma still owes on this project. The President appointed the Secretary to act in this capacity.

Dr. Emma Estill-Harbour introduced the new member of the Board, Mr. John B. Doolin, of Alva, Oklahoma.

Mrs. John R. Williams transmitted to the Society a horn spoon two hundred years old, a gift from Mr. and Mrs. Colin Valentine, of Oklahoma City, and moved that the Secretary express the thanks of the Board to Mr. and Mrs. Valentine. Motion was seconded and carried.

The President appointed Dr. Emma Estill-Harbour, the Secretary and Mrs. Blanche Lucas to search magazines published by other Historical Societies, and learn what they are doing in the way of giving their magazines a more human interest as to news items.

Mr. George H. Evans moved that the Secretary be instructed to send each member of the Board a copy of the rules which the publication committee had compiled to guide them in their work. Motion was seconded and carried.

The meeting stood adjourned subject to the call of the President.

Robert L. Williams, President,
Presiding.

James W. Moffitt,
Secretary.

NECROLOGY

CLEMENT ALLEN HANCOCK

1857-1937

Clement Allen Hancock was born at Columbus, Colorado County, Texas, October 19, 1857. When a mere lad, his father, John S. Hancock, took a herd of about two thousand longhorn cattle from Texas to the Kansas border, during which trek the boy, on the back of a native Texas pony, participated in the drive, neither missing a day out of the saddle nor sleeping in a house during the trip.

For a while he attended school in Baxter Springs, Kansas, after which he and his father followed the M. K. & T. Railroad in its construction until it reached Caddo in the Choctaw Nation in the winter of 1871-72, and from that time he was an outstanding, progressive citizen, and a leader in all worth while things in that community on that Indian reservation—until the birth of the state. A pioneer in every sense, facing dangers, enduring hardships, mastering difficulties, and from that date until the time of his death on December 9, 1937, he continued looking to the betterment of the country in which he lived. He had shot wild deer from his home porch and seen prairie chickens more common than domestic fowl.

When a young man, as an Indian trader, he sold the western Indian, Big Tree Chief, his first pair of pants, showing him how to put them on—a risky performance.

Funeral services for him were held at Caddo on December 11, 1937, at the First Methodist Church, the Rev. A. A. Eggner officiating. Burial was in the Gethsemane Cemetery, at that time having been a resident of Caddo for over sixty-six years. His funeral was largely attended, all business houses closing, taking time to pay honor to his memory.

In 1887 he was married to Miss Dousie Sims. He is survived by his widow, three daughters, Mrs. Harold C. Parker, Enid, Oklahoma, Mrs. Russell Faudree, Atoka, Oklahoma, and Miss Phyllis Hancock, Oklahoma City, Oklahoma; and three sons, Paul Hancock, Tulsa, Lee Hancock, Oklahoma City, and John Hancock, Caddo, Oklahoma.

When he first came to Caddo he clerked in Fenton & Marchand's trading store and then engaged in the mercantile business and later in the cattle business. He participated and aided in the building of the first steel bridge across Blue River at Nail's crossing at the edge of Twelve-Mile Prairie a few miles west of Caddo. He aided in the organization of the old Choctaw Bank, the first bank in the town, and in putting in the first telephone, and in constructing the first street and sidewalks, and the first brick buildings.

His father, the late John S. Hancock, at the time of his death, owned the Caddo *Herald*. Clement Allen Hancock succeeded to the same but soon thereafter disposed of it to the present owner. In the biographical data as to John S. Hancock,¹ it is stated that John S. Hancock had only two children. That should be corrected to read that he had three children: Clement Allen Hancock by his first wife, Mary E. Allen, and two by his second wife, Susan Fannin, to-wit, Sally Low, and Sam Hancock now residing in California.

—R. L. Williams

Durant, Oklahoma.

¹*Chronicles of Oklahoma*, X (June, 1932), p. 304.



CLEMENT ALLEN HANCOCK



GILES EDWARD HARRIS, M. D.

GILES EDWARD HARRIS, M. D.
1878-1938

Doctor Giles Edward Harris was born March 15, 1878 near Quitman, Texas, and died September 14, 1938. He was the son of Andrew Jackson Harris and his wife, Dicia Harris. His father's people came from North Carolina and his mother's from Dalton, Georgia, settling in Texas in what is now Woods County in 1840, when it was a republic. He was educated at Oak Grove, Winnsboro, and Denton, Texas, and at the University of Louisville, taking his medical education and a Doctor of Medicine degree at the University of Louisville, Louisville, Kentucky, serving a hospital internship in City Hospital, St. Louis, Missouri.

He began the practice of medicine at Boswell, Indian Territory, in 1905. On April 7, 1908, he was married to Miss Tommie Eastwood. In 1911 he moved to Hugo, continuing there in the practice of medicine and remaining there so engaged until his death.

He was a member of the county, state and American medical associations, and Division Surgeon of the St. Louis-San Francisco Railroad Company at Hugo, Superintendent of Health for Choctaw County, and County Physician.

He was a member of the Oklahoma Historical Society, taking an active interest in its work and the preservation of the history of the state. He was a Blue Lodge and a Scottish Rite Mason (32°), Charter member of the Hugo Lions' Club, a member of the Hugo American Legion, and affiliated with the Democratic party.

He is survived by his wife and two daughters, Mrs. Brandon Bickett of San Antonio, Texas, and Mary Dicia Harris, of Hugo, Oklahoma.

A leading and an exemplary citizen, devoted husband and father, prominent in civic and community activities, his death occasioned a great loss.

—R. L. Williams

Durant, Oklahoma.

ROBERT DUNLOP 1869-1938

Robert Dunlop was born at or near Garnett, Kansas, September 6, 1869, son of Alexander D. and Mary Whitson Dunlop, natives of Scotland, the former born at Dunlop Place, February 3, 1826, and the later at Kelso, March 24, 1832. His parents were old-school Scotch Presbyterians, and were married in 1865 at Lawrence, Kansas, after the return of the father from service in the Civil War as a private in the One Hundred and Forty-eighth Regiment, Illinois Volunteer Infantry. The parents of his mother came to the United States in 1849, her mother dying in New York shortly afterward. In 1850, his father moved to Quebec, Canada, and in 1856 to Fort Leavenworth, Kansas, settling on the first homestead awarded to a white man in Howard County, Kansas, to-wit, George Hitchens, a pioneer of that state. This homestead is now occupied by Robert Dunlop's two brothers, George and James, located in the vicinity of Longton, Kansas.

Robert Dunlop died on Saturday, June 19, 1938¹ at Pampa, Texas, and was buried in the McKee Cemetery, south of Tonkawa.

At the opening of Oklahoma in 1889 he drove a team and wagon with an uncle who made the run and homesteaded a claim in Payne County, southwest of Stillwater on Wild Horse near Mulhall, where he stayed in a dugout home for a year and a half, and then in 1893 made the run into the Cherokee Strip, securing a homestead near Tonkawa in Kay County, which was in due time patented to him, becoming the nucleus of a fine half-section farm and a valuable possession, located in one of the finest farm regions of the state. On this farm he successfully grew wheat, oats and alfalfa, under the most efficient and approved methods of agriculture.

In an early day he took a leading and active part in a good roads movement which resulted in the establishment of a system of roads in said county which has never been surpassed in any of the counties of the state.

He was a colorful figure in the early days of Oklahoma politics. In 1902 as a Democrat he was elected County Treasurer of Kay County, Territory of Oklahoma, and re-elected in 1904, holding such office until the erection of the state on November 16, 1907. In the Democratic primary for the nomination of state candidates in 1907, preliminary to the organization of the state government, as a candidate for State Treasurer he was a close runner-up to the late James A. Menefee of Caddo County, who nosed him out for the democratic nomination for State Treasurer by a small margin.

During the administration of the late C. N. Haskell, the first Governor, he served as a member of the Board of Trustees of the Insane Asylum at Fort Supply, taking an active, efficient, humane, and wise interest in its development.

In 1910 he was nominated as State Treasurer in the Democratic primary over the Honorable M. E. Trapp of Guthrie, then state auditor, carrying 61 of the 76 counties, and in the regular election in November being elected. The State Treasurer's office from January 11 1911 to January 13, 1915, the date of the expiration of his full term, was honestly, faithfully and efficiently administered.



ROBERT DUNLOP

During his entire life in Oklahoma he maintained his legal residence in Kay County, where his mortal body now rests.

After the expiration of his term of office as State Treasurer he engaged in the oil business, his interest therein being varied. He was credited with discovering the Morse oil pool in eastern Fray County in Texas, and was an operator in the Smackover pool in Arkansas. He also had oil interests in Louisiana, but for the ten years immediately preceding his death, he operated in the Texas field with headquarters at Pampa.

In 1904 at Blackwell, Oklahoma, he was married to Miss Flora Christian, a native of Holden, Missouri, a graduate of the Emporia (Kansas) State Normal School, and a school teacher for several years prior to her marriage. She died in 1905, leaving one daughter, Flora, who now survives him and is now Mrs. Leo Haughan, residing at Ponca City.

He was a member of Blue Lodge No. 57, at Tonkawa, his Knight Templar membership being in Ben Hur Commandery, at Ponca City, Oklahoma, his chapter membership with Hope No. 41, at Howard, Kansas, and his Shrine membership with Akdar Temple, Tulsa, Oklahoma, and also a member of the Knights of Pythias, the Country Club at Newkirk, and the Capital City Gun Club of Oklahoma City.

His success as a progressive citizen was compensation for the early day hardships endured by him, when as a poor young man he followed the herds of cattle over the raw prairies of the unsettled country, having visions of the establishment of a rich and great commonwealth; and when, alone with his gun, he traveled over the wide and wild areas of the unsettled Cherokee Strip that is now one of the state's most prosperous regions. A rugged, honest, faithful, and fine citizen—devoted husband and father and loyal friend—is gone from these earthly surroundings.

—R. L. Williams.

Durant, Oklahoma

¹Newkirk *Herald Journal*, June 23, 1938, Vol. XLV, No. 40.

JOHN CHARLES MAJOR 1863-1937

John Charles Major was born May 20, 1863, at Albion, New York, son of John Major and Mary J. Major, nee Anderson, his paternal grand parents being George Anderson and Mary Tweedy Anderson, from County Down, Ireland.

He attended the common schools in Orleans County, New York, spending three years in the Albion Academy, at a nearby town, paying a tuition of six dollars every ten weeks. His principal business in which he engaged in New York was farming. Thence he came west to Kansas, settling near Goddard, where he resided for several years, engaging in farming, during which period he was a Township Trustee for four years.

In 1893 at the opening of the Cherokee Strip in Oklahoma Territory he made the run, obtaining a homestead constituting a quarter-section of land in Township 21 North, Range 14 West, Indian Meridian, in Woods County as constituted prior to statehood.

He aided in the building of a log schoolhouse near said homestead, it later being converted into a frame school building, and, in 1920, with his participation that district was consolidated with three other districts constituting the Cheyenne Valley Consolidated School with six teachers. This school and his homestead are now located in Major County, which was created out of a portion of Woods County at the erection of the State of Oklahoma.

He was a member of the legislature of Oklahoma Territory beginning January 13, 1903 and concluding on March 13, 1903. To the Convention which framed the Constitution of the proposed state of Oklahoma, he was elected and served as a member from District No. 7. He was also elected and served as a member of the first Legislature of the State of Oklahoma. He was a member of the Thirteenth Legislature of Oklahoma, and also of the Legislature which was elected in November 1936, attending the called session thereof which convened on November 23, 1936, but after the Legislature assembled in regular session, he died on January 30, 1937.

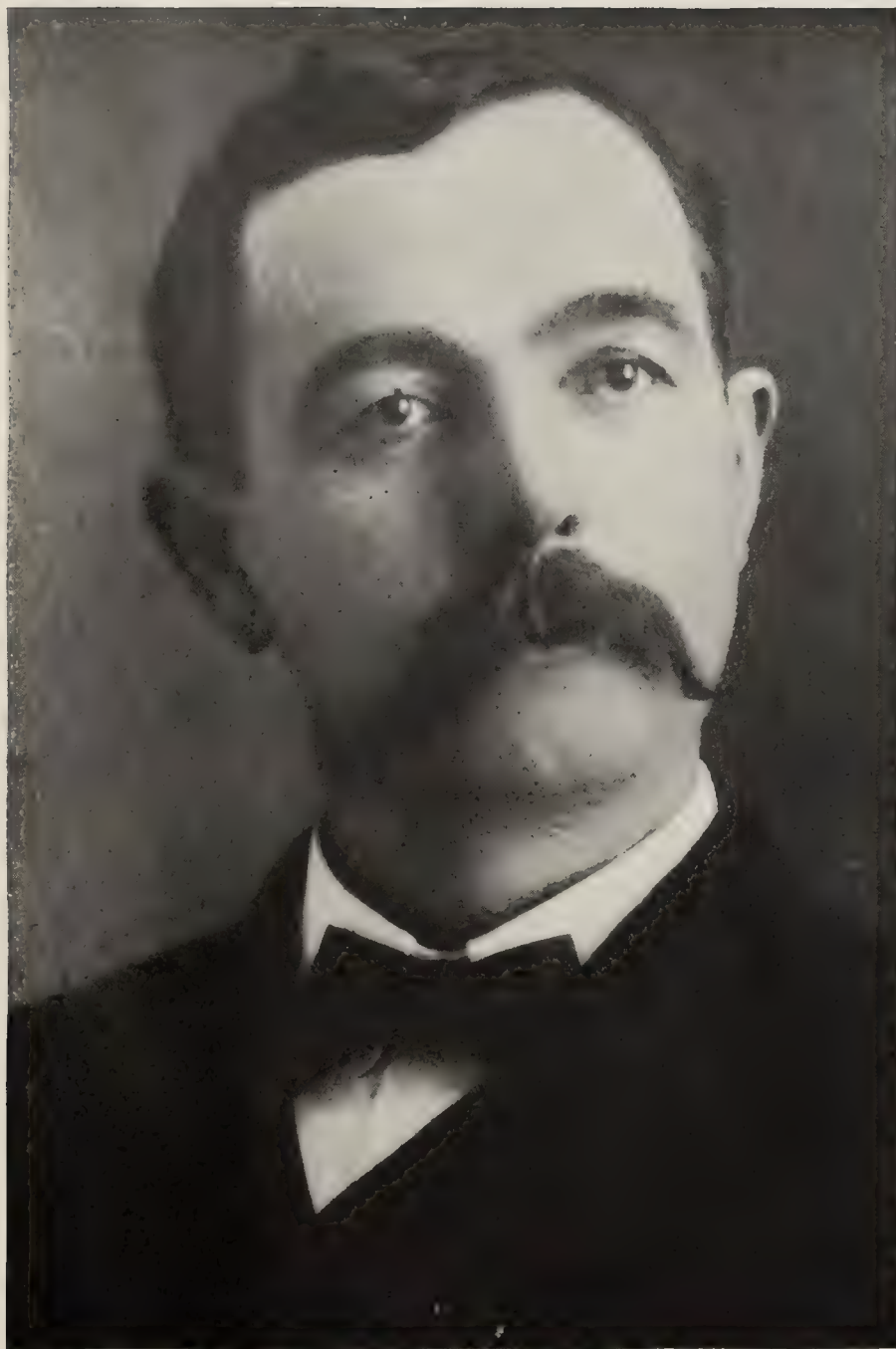
He served for four years as a Deputy Sheriff during the administration of D. C. Oats as Sheriff of Major County, and from 1913 to 1915 as County Treasurer of said county, and from January 1915 for four years, by appointment, he served as a School Land Examiner and Appraiser, during the administration of Governor Robert L. Williams.

His first wife was Susie A. Densmore whom he married on January 20, 1882, residing in Orleans County, New York, until 1891 when he migrated to Kansas. His first two children were born there. His wife died in Oklahoma in 1923. On June 6, 1931, at Syracuse, New York, at the home of his sister, he married Margaret Humphrey, whom he had known in his youth, and who had married Fred L. Rice in 1884, but who died in 1921. She and the following children by his first wife survive him: John Charles Major, Jr., Caldwell, Kansas; Justin W. Major, Orienta, Oklahoma; and Morris Major, Orienta, Oklahoma.

John Charles Major was a Democrat and a member of the Methodist Church. His entire life was characterized by acts of good citizenship. As one has said of him, "he has been a builder, public spirited, and long in service." He served his township in Kansas, his school district, county and the territory, and then the State of Oklahoma in various capacities at public service—A record of long and faithful service for the people, with Christian fortitude. He is entitled to rest in peace not only here but also in the sphere beyond.

—R. L. Williams.

Durant, Oklahoma.



JOHN CHARLES MAJOR



FRANCIS ELGIN HERRING

FRANCIS ELGIN HERRING 1860-1938

Francis Elgin Herring was born March 2, 1860, in Hill County, Texas, then a frontier county, and died September 15, 1938, at Elk City, Oklahoma. He was a son of Jesse L. and Sarah Ann Herring, his father having come from Illinois to Texas in 1844, when it was a Republic. He was educated in the common schools of Texas, and came to the Kiowa and Comanche reservations in 1884,¹ securing employment as a cowboy and foreman, and

¹Fort Towson *Enterprise*, June 19, 1914.

through thrifty saving of his earnings, he was enabled to acquire a ranch in Greer County in 1887 where he brought his bride. Prior to March 16, 1896, Greer County was generally considered to be a part of Texas.²

²United States v. State of Texas, 162 U. S. 1, 16 Sup. Ct. Rep. 725.

At the opening of the Cheyenne and Arapaho reservation under Act of Congress Mar. 3, 1891, he moved his ranching interests northward to that area, locating in what was constituted as Roger Mills County. At the opening of the Cherokee Strip he made the run into Woodward County. In 1899 he concentrated his ranching interests in Roger Mills County, which comprised then not only what now constitutes Roger Mills County, but also a large part of Beckham County.

Having followed the frontier all of his life up to that time and no more area being available for frontier extension, in 1902 when the Choctaw, Oklahoma & Gulf Railroad had been extended into Roger Mills County to Elk City, he located at that point, embarking in the mercantile business under the firm name of Herring and Young, at one time operating stores not only in Elk City but also at Foss, Hammon, Strong City, Reydon, Erick and Cheyenne. In 1910-12, he was largely instrumental in securing the extension of the Wichita Falls and Northwestern Railroad from Altus to Elk City, which was later extended to Forgan and afterwards taken over by the Missouri-Kansas-Texas Railway Company.

He took an active interest in public affairs, being a member of the Board of Aldermen and Mayor of Elk City, and represented District No. 46 in the Constitutional Convention, serving on the following committees: Municipal Corporations, Public Roads and Highways, Privileges and Elections, and Judicial Apportionment. He took an active part in the creation of Beckham County out of parts of Greer and Roger Mills Counties.

In 1912, his candidacy as a Democrat for nomination as Governor was announced, but in a short while he withdrew in favor of the late Lee Cruce's candidacy, when the principal contest remained between Cruce and W. H. Murray, Cruce being nominated and elected. In 1914, his candidacy was again announced for Governor, becoming a formidable candidate, but the Honorable Robert L. Williams, now a Judge of the United States Circuit Court of Appeals for the Tenth Circuit was nominated and elected.

Herring took an active and primary interest in the upbuilding of Elk City, giving large financial aid to the Fairgrounds and the Herring Park Swimming Pool. He was a successful rancher, merchant, and businessman.

His life, begun on the frontier of Texas, continued in the extension and development of the frontier, until there was no more frontier for extension and development, and then he settled down in the midst of his latest surroundings where he remained until the close of the evening of his life.

He was married at Peoria, Texas, in Hill County, on the 19th day of December, 1886, to Miss Mollie Lee, who survives him. To this union were born two daughters and one son, all of whom survive him, to-wit, Mrs. Elgin Herring Hoover, Elk City, Oklahoma; Mrs. Olice Herring Coates, Elk City, Oklahoma; and Jesse Sanford Herring, Godfrey, Illinois; and a granddaughter, Patty Hoover.

—R. L. Williams.

Durant, Oklahoma.

RACHEL CAROLINE EATON 1869-1938

With the passing of Rachel Caroline Eaton, at Claremore, on September 20, 1938, Oklahoma lost its first woman of Indian descent to achieve distinction as an educator and writer of history. Reticent in disposition and positive in her decisions, she was one of the outstanding personalities reared under the regime of the old Cherokee Nation as an Indian republic.

Rachel Caroline Eaton was born on July 7, 1869, in the Cherokee Nation, just west of the line from Maysville, Arkansas. From 1874, the family home was at Claremore Mound where she spent her childhood. The *Chronicles of Oklahoma* for December, 1930, contains "The Legend of the Battle of Claremore Mound," the noted battle fought between the Cherokees and the Osages in 1818, written by Miss Eaton who had often heard versions of the story when she was growing up.

Caroline was the eldest child of George Washington and Nancy Ward (Williams) Eaton. The father had served in the Confederate Army as a member of Company B, Morgan's Battalion, Texas Cavalry, under Captain Boggs and Lieutenant Charles Morgan. The mother was the namesake of the distinguished member of her family, Nancy Ward, a full-blood Cherokee who before the American Revolution had won the name among her people as Ghigau or Beloved Woman, a title of high distinction that carried with it the right to speak and vote in the councils of the nation with the men, in times of war and of peace. Throughout life, Caroline Eaton was a loyal and devoted member of the Presbyterian Church. She was proud of the affiliation of her maternal grandmother, Lucy Ward Williams, with early day Presbyterianism among the Cherokees. Caroline's mother had attended old Dwight Mission before the Civil War. Because of these early influences, Miss Eaton at one time considered entering the mission field of the church. However, her life's work was that of the educator.

Miss Eaton's early schooling was in the public schools of the Cherokee Nation. She graduated from the Cherokee Female Seminary in the class of 1887, the last senior class that attended this historic institution in the original building at Park Hill. Subsequently, she completed the college course at Drury College, Springfield, Missouri, graduating with a B. A. degree, in 1895, and having won a well deserved "Cum Laude," for she was a thorough student. Later, she attended Chicago University where she received both her Master of Arts and Doctor of Philosophy degrees.

She began her work as a teacher in the public schools of the Cherokee Nation and for a time was a member of the faculty at the Cherokee Female Seminary, in Tahlequah. She also taught in the Industrial Training School for girls at Columbus, Mississippi; in Lake Erie College, at Painesville, Ohio; and in Trinity University, at Waxahatchie, Texas. Returning to Oklahoma, she was elected as superintendent of schools in Rogers County, in 1920, serving two successive terms.

Upon her retirement from the position of county superintendent, she began devoting her time to research and writing on Cherokee history. She had distinguished herself in this field by her book *John Ross and the Cherokee Indians*, published in 1910, the text of which had been prepared as her dissertation in her work on her Doctor of Philosophy degree. The book received much favorable comment not only for its subject matter but for its style and presentation. It is still considered one of the authoritative studies on the life of this great chief of the Cherokees.

Miss Eaton was active in Federated Club work for many years and in the work of the Eastern Star. She was a member of Tulsa Women's Indian Club and honorary member in the La-kee-kon Club of Tulsa and in The Quest Club of Claremore. In 1936, she was honored in the "Hall of Fame" by the Oklahoma Memorial Association, at Oklahoma City, as one of Oklahoma's outstanding women.

During her later years of literary pursuits, she spent a year on special historical research work in Chicago. For a time, she held residence in both Tulsa and Oklahoma City to carry on her writing more effectively. In 1935, on account of frail health, she returned to her old home that she loved in Claremore. Here she completed her last work, still unpublished, "The History of the Cherokee Indians."

—Muriel H. Wright.

Oklahoma City, Oklahoma.



WILLIAM CHRISTOPHER HUGHES

WILLIAM CHRISTOPHER HUGHES

1869-1938

William Christopher Hughes was born October 24, 1869 in Georgetown, Missouri, the son of Dr. Benjamin Franklin Hughes and Catherine Kidd Hughes. He was married June 14, 1893 to Luella Nelson Gaines, daughter of Jeannette Cameron Gaines and Briscoe Gaines, Clinton, Missouri, was educated in Sedalia, Missouri, and graduated from Kansas City law school at the head of his class.

In 1901 he came to Oklahoma City to practice law. He formed a partnership with Judge W. A. Ledbetter, S. T. Bledsoe and John Mosier—Ledbetter, Bledsoe, Mosier and Hughes—with offices in Oklahoma City and Ardmore. Later he was a member of the firm Hughes, Morse and Standeven in Oklahoma City and Hobart. Following in the footsteps of his father, Dr. B. F. Hughes, a member of the Missouri Constitutional Convention, he was elected a delegate to the Oklahoma Constitutional Convention in 1907 from Oklahoma County. He entered the race as a Democrat and won by an overwhelming majority.

Judge Hughes was defeated for President of the Convention by Honorable William H. Murray, due, his friends felt, to his illness from a throat infection which kept him in bed at the critical time of the election. He and Governor Murray became close friends.

Judge Hughes wrote important laws of the State and by the vote of the Constitutional Convention Hughes County was named for him. After statehood he was Clerk of the Oklahoma County Superior Court although Governor Haskell offered him the Judgeship. In 1914 he went to St. Joseph, Missouri, to give all his time to the legal affairs of the Tootle-Campbell Dry Goods Company. In 1918 he became interested in oil in Pontotoc and Hughes Counties in Oklahoma and spent his time from then until his death in oil development and law. He felt a great pool of oil was to be found there and spent time and money trying to find it, keeping an interest in that territory which resulted in a large oil field being brought in.

In 1928 he moved his family to a country place, Pontotoc Lodge, east of Ada, where he lived at the time of his death. When Governor Murray was elected Governor in 1931 the first name he sent for confirmation was Judge Hughes for Chairman of the State Board of Public Affairs. In this office he rendered a great service and the strain of the long hours and his intense devotion to the State's welfare probably caused his break in health. Always deeply interested in governmental problems and sociology, he was a man of fine sensibilities and intellectual attainments and was beloved for his kindness of heart and great interest in humanity. Judge Hughes died March 22, 1938 and is buried in Fairlawn Cemetery, Oklahoma City. He is survived by his wife, four daughters, Mrs. William M. Morton, St. Joseph, Missouri, Elizabeth, Donna, and Mrs. J. Kyle McIntyre, Oklahoma City, one son, Lt. W. C. Hughes Jr., U. S. N., and four grandchildren, William M. Morton Jr., David Hughes Morton, Hughes Gregory Morton, St. Joseph, Missouri, and Betty Biles, Oklahoma City.

—L. G. H.

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